



T H E

Royal American Magazine,

OR UNIVERSAL

Repository of Instruction and Amusement.

For MARCH, 1774.

Number III. Volume I.

Just Published,

[THE SIXTH EDITION CORRECTED]

And sold at the Printing-Office in School-street,

D E A T H;

A POETICAL ESSAY,

By **BEILBY PORTEUS, M. A.**

FELLOW OF CHRIST COLLEGE.

One Murder made a Villan,
Millions a Hero.—Princes were privileg'd
To kill, and Numbers sanctify'd the Crime.
Ah!—why will Kings forget that they are Men!
And Men that they are Brethren? Why delight
In human Sacrifice? Why burst the Ties
Of Nature, that should knit their Souls together
In one soft Bond of Amity and Love?

PORTEUS.

This POEM obtained the Prize, left by the last Will of Mr SEARSON, as determined by the Vice-Chancellor of Cambridge, Master of Clare-Hall, and Greek Professor.

This Day was published, price 8d.

FREEDOM from civil and ecclesi-

astical SLAVERY, the Purchase of CHRIST. A DISCOURSE, offered to a numerous Assembly, on MARCH the FIFTH, 1774, at the Presbyterian Meeting-House, in NEWBURY-PORT.

By **JONATHAN PARSONS, A. M. & V. D. N.**

NEWBURY-PORT: Printed by THOMAS & TINGES, and by I. THOMAS, at the bottom of Royal-Exchange-Lane, Boston.

N^o. V Engraved for Roy^l American Magazine Vol. I



The Hon.^{ble} JOHN HANCOCK. Esq^r.

THE Royal American Magazine,



OR UNIVERSAL
Repository of Instruction and Amusement.

For MARCH, 1774.

CONTAINING,

An Oration; delivered March 5th, 1774, at the Request of the Inhabitants of the Town of Boston. By the Hon. John Hancock, Esq.	Page 83	POETICAL ESSAYS.	
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With the following EMBELLISHMENTS, viz.

- I. The Bust of the Hon. JOHN HANCOCK, Esq; supported by the Goddesses of LIBERTY and an Ancient Briton. II: The FORTUNE-HUNTER, a humorous, historical Piece.

A M E R I C A :

BOSTON, Printed by and for I. THOMAS, near the MARKET.

Sold by D. FOWLE, in Portsmouth, New-Hampshire; THOMAS & TINGES, in Newbury-Port; S. and E. HALL, in Salem; J. CARTER, Providence; S. SOUTHWICK, Newport, Rhode-Island; E. WATSON, Hartford; T. and S. GREEN, New-Haven; T. GREEN, New-London; J. HOLT, New-York; T. and W. BRADFORD, Philadelphia; W. GODDARD, Philadelphia and Baltimore; A. GREEN, Maryland; R. WELLS, and C. CROUCH, in South-Carolina.

Meteorological Observations on the Weather, for March, 1774.

March	A.M. Ther.	P.M. Ther.	A.M. Ther. Farenheit.	
1	8-30	1-33	10-35	Cloudy and Rain.
2	8-35	1-39	11-35	Rain.
3	8-32	1-37	11-30	Fair.
4	8-25	1-36	11-32	do.
5	8-28	2-40	10-31	Fair and Cloudy.
6	8-38	2-42	10-38	Rain.
7	8-38	2-48	11-31	Fair.
8	8-28	1-38	11-36	do.
9	8-48	1-48	11-26	Rain, Fair.
10	8-25	1-34	10-36	Fair.
11	8-42	1-54	10-49	do.
12	8-49	2-43	10-37	do.
13	8-27	1-35	11-34	do.
14	8-37	1-37	10-35	Snow and Rain.
15	8-30	1-35	11-33	Fair.
16	8-34	1-39	11-37	Rain, Fair.
17	7-33	2-43	11-36	Fair.
18	8-36	2-36	10-35	Snow and Rain.
19	8-34	1-39	10-37	Cloudy.
20	8-37	1-38	11-36	Cloudy and Snow.
21	8-37	1-39	11-40	Rain.
22	7-47	1-55	11-43	Fair.
23	8-40	1-48	10-38	Fair, Cloudy, Rain & Snow.
24	8-26	1-29	11-27	Fair.
25	8-30	1-36	11-34	Fair, Snow and Rain.
26	8-34	1-38	10-34	Fair.
27	8-34	1-45	10-38	Cloudy, Snow and Rain.
28	8-38	1-40	10-39	Cloudy and Rain.
29	8-39	1-45	11-54	Cloudy and Fair.
30	8-43	1-45	11-39	Cloudy, Rain and Fair.
31	8-36	1-44	11-31	Fair.

BURIED in the town of BOSTON, from March 1, to March 28, 1774.

36 Whites. 5 Blacks. In all 41.

BAPTIZED in the several Churches, 38.

To our CORRESPONDENTS, and others.

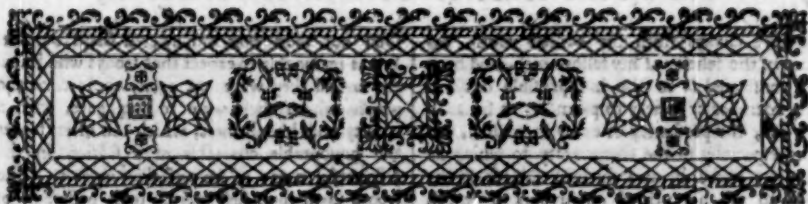
* * The length of the Messages of the Governor, Council and House of Representatives, obliges us to omit several Pieces intended for this number, particularly those signed, MATHEWS, LEANDER, and X. Z. an Answer to the Post Diluvian, and the Directory of Love. We are also obliged to omit the New Hunting Song, set to Music, and several other pieces of Poetry. All which will be duly noticed in our next.

* * Gentlemen who are inclined to try experiments on the Culture of Indigo, may be supplied with Seed, gratis, by applying to Capt. Marston, at the Golden-Ball, or to Mr. Lemuel Cocks, near Oliver's-Dock.

* * Those Gentlemen who will favour the Royal American Magazine with ESSAYS, &c. are desired to send them to the Editor, at his Printing-Office, the bottom of Royal-Exchange-Lane, as soon as convenient, in order that the numbers may be regularly published the first Monday in each month.

†† Subscribers for the Royal American Magazine, living on or near the Post-Roads, are desired to inform the Publisher, whether they would have their Magazines sent by the Post or not.

* * The Great Expence attending a work of this kind, we hope will be considered by our Customers, that they may readily comply with the terms of subscription.



THE ROYAL
AMERICAN MAGAZINE,
OR UNIVERSAL

REPOSITORY OF INSTRUCTION AND AMUSEMENT :

For MARCH, 1774.



An ORATION;

*Delivered March 5th, 1774, at the Request of the Inhabitants of the Town
of BOSTON; to commemorate the bloody Tragedy of the Fifth of
March, 1770.*

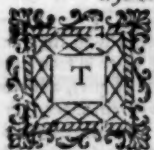
By the Honourable JOHN HANCOCK, Esq;

[Embellished with a neat Engraving of the Author.]

Vendit hic auro patriam, dominumque potentem
Imposuit : fixit leges pretio atque reſixit.
Non, mihi ſi linguæ centum ſint, oraſque centum,
Ferreæ vox, omnes ſcelerum comprehendere formas,
poſſum.

VIRG.

Men, Brethren, Fathers and Fellow-Coun-
trymen,



HE attentive gravity, the venerable appearance of this crowded audience, the dignity which I behold in the countenances of ſo many in this great Aſſembly, the ſolemnity of the occaſion upon which we have met together, joined to a conſideration of the part I am to take in the important buſineſs of this day, fill me with an awe hitherto unknown ; and heighten the ſenſe which I have ever had, of my unworthineſs to fill this ſacred

deſk ; but, allured by the call of ſome of my reſpected fellow-citizens, with whoſe requeſt it is always my greateſt pleaſure to comply, I almoſt forgot my want of ability to perform what they required. In this ſituation, I find my only ſupport, in aſſuring myſelf that a generous people will not ſeverely cenſure what they know was well intended, though its want of merit, ſhould prevent their being able to applaud it. And I pray, that my ſincere attachment to the intereſt of my country, and hearty deteſtation of every deſign formed againſt her liberties, may be admitted as ſome apology for my appearance in this place.

I have

I have always from my earliest youth, rejoiced in the felicity of my fellow-men, and have ever considered it as the indispensable duty of every member of society to promote, as far as in him lies, the prosperity of every individual, but more especially of the community to which he belongs; and also, as a faithful subject of the state, to use his utmost endeavours to detect, and having detected, strenuously to oppose every traitorous plot which its enemies may devise for its destruction. Security to the persons and properties of the governed, is so obviously the design and end of civil government, that to attempt a logical proof of it, would be like burning tapers at noon-day, to assist the sun in enlightening the world; and it cannot be either virtuous or honourable, to attempt to support a government, of which this is not the great and principal basis; and it is to the last degree vicious and infamous to attempt to support a government which manifestly tends to render the persons and properties of the governed insecure. Some boast of being *friends to government*; I am a friend to *righteous government*, to a government founded upon the principles of reason and justice; but I glory in publicly avowing my eternal enmity to tyranny. Is the present system which the British administration have adopted for the government of the colonies, a righteous government? Or is it tyranny?—Here suffer me to ask (and would to Heaven there could be an answer) What tenderness? What regard, respect or consideration has Great-Britain shewn in their late transactions for the security of the persons or properties of the inhabitants of the colonies? or rather, What have they omitted doing to destroy that security? They have declared that they have, ever had, and of right ought ever to have, full power to make laws of sufficient validity to bind the colonies in all cases whatever: They have exercised this pretended right by imposing a tax upon us without our consent; and lest we should shew some reluctance at parting with our property, her fleets and armies are sent to enforce their mad pretensions. The town of Boston, ever faithful to the British Crown, has been invested by a British fleet: The troops of George the Third have crossed the wide Atlantick, not to engage an enemy, but to assist a band of *TRAITORS* in trampling on the rights and liberties of his most loyal subjects in America,—those rights and liberties which as a father he ought ever to regard, and as a King he is bound in honour to defend from violations, even at the risque of his own life.

Let not the history of the illustrious house of Brunswick inform posterity, that a King descended from that glorious monarch George the second, once sent his British subjects to conquer and enslave his subjects in America; but be perpetual infamy entailed upon that villain who dared to advise his Master to such execrable measures; for it was easy to foresee the consequences which so naturally followed upon sending troops into America, to enforce obedience to acts of the British parliament, which neither

God nor man ever empowered them to make. It was reasonable to expect that troops who knew the errand they were sent upon, would treat the people whom they were to subjugate, with a cruelty and haughtiness, which too often buries the honourable character of a *soldier*, in the disgraceful name of an *unfeeling ruffian*. The troops upon their first arrival took possession of our Senate House, and pointed their cannon against the judgment-hall, and even continued them there whilst the supreme court of judicature for this province was actually sitting to decide upon the lives and fortunes of the King's subjects.—Our streets nightly resounded with the noise of riot and debauchery; our peaceful citizens were hourly exposed to shameful insults, and often felt the effects of their violence and outrage. But this was not all: As though they thought it not enough to violate our civil rights, they endeavoured to deprive us of the enjoyment of our religious privileges, to viciate our morals, and thereby render us deserving of destruction. Hence the rude din of arms which broke in upon your solemn devotions in your temples, on that day hallowed by Heaven, and set apart by God himself for his peculiar worship. Hence, impious oaths and blasphemies so often tortured your unaccustomed ear. Hence, all the arts which idleness and luxury could invent, were used, to betray our youth of one sex into extravagance and effeminacy, and of the other to infamy and ruin; and did they not succeed but too well? Did not a reverence for religion sensibly decay? Did not our infants almost learn to lift out curses before they knew their horrid import? Did not our youth forget they were Americans, and regardless of the admonitions of the wife and aged, servilely copy from their tyrants, those vices which finally must overthrow the empire of Great-Britain? And must I be compelled to acknowledge, that even the noblest, fairest part of all the lower creation did not entirely escape the cursed snare? When virtue has once erected her throne within the female breast, it is upon so solid a basis that nothing is able to expel the heavenly inhabitant. But have there not been some, few indeed, I hope, whose youth and inexperience have rendered them a prey to wretches, whom upon the least reflection, they would have despised and hated as foes to God and their country? I fear there have been some such unhappy instances; or why have I seen an honest father clothed with shame? or why a virtuous mother drowned in tears?

But I forbear, and come reluctantly to the transactions of that dismal night, when in such quick succession we felt the extremes of grief, astonishment and rage; when Heaven in anger, for a dreadful moment, sufficed Hell to take the reins; when Satan with his chosen band opened the sluices of New England's blood, and sacrilegiously polluted our land with the dead bodies of her guilty sons. Let this sad tale of death never be told without a tear; let not the heaving bosom cease to burn with a manly indignation at the barbarous story, through the long

tracts of future time : Let every Parent tell the shameful story to his listening children till tears of pity glisten in their eyes, and boiling passion shakes their tender frames ; and whilst the anniversary of that ill-fated night is kept a jubilee in the grim court of Pandæmonium, let all America join in one common prayer to Heaven, that, the inhuman, unprovoked murders of the Fifth of March, 1770, planned by Hillsborough, and a knot of treacherous knaves in Boston, and executed by the cruel hand of Preston and his sanguinary coadjutors, may ever stand on history without a parallel. But what, my countrymen, withheld the ready arm of vengeance from executing instant justice on the vile assassins ? Perhaps you feared promiscuous carnage might ensue, and that the innocent might share the fate of those who had performed the infernal deed. But were not all guilty ? Were you not too tender of the lives of those who came to fix a yoke on your necks ? But I must not too severely blame a fault, which great souls only can commit. May that magnificence of spirit which scorns the low pursuits of malice, may that generous compassion which often preserves from ruin, even a guilty villain, forever actuate the noble bosoms of Americans !—But let not the miscreant holt vainly imagine that we feared their arms. No ; them we despised ; we dread nothing but slavery. Death is the creature of a Poltroon's brains ; it is immortality, to sacrifice ourselves for the salvation of our country. We fear not death. That gloomy night, the pale faced moon, and the affrighted stars that hurried through the sky, can witness that we fear not death.—Our hearts, which at the recollection glow with a rage that four revolving years have scarcely taught us to restrain, can witness that we fear not death ; and happy it is for those who dared to insult us, that their naked bones are not now piled up an everlasting monument of Massachusetts's bravery. But they retired, they fled, and in that flight they found their only safety. We then expected that the hand of public justice would soon inflict that punishment upon the murderers, which by the laws of God and man they had incurred. But let the unbiassed pen of a Robertson, or perhaps of some equally famed American, conduct this trial before the great tribunal of succeeding generations. And though the murderers may escape the just resentment of an enraged people, though drowsy justice intoxicated by the poisonous draught prepared for her cup, still nods upon her rotten seat, yet be assured, such complicated crimes will meet their due reward. Tell me, ye bloody butchers, ye villains high and low, ye wretches who contrived, as well as you who executed the inhuman deed, do you not feel the goads and stings of conscious guilt pierce through your savage bosoms ? Though some of you may think yourselves exalted to a height that bids defiance to the arms of human justice, and others shroud yourselves beneath the mask of hypocrisy, and build your hopes of safety on the low arts of cunning, chicanery and falshood ; yet, do you

not sometimes feel the gnawings of that worm which never dies ? Do not the injured shades of Marverick, Gray, Caldwell, Attucks and Carr, attend you in your solitary walks, arrest you even in the midst of your debaucheries, and fill even your dreams with terror ? But if the unappeased manes of the dead should not disturb their murderers, yet surely even your obdurate hearts must shrink, and your guilty blood must chill within your rigid veins, when you behold the miserable Monk, the wretched victim of your savage cruelty. Observe his tottering knees which scarce sustain his wasted body, look on his haggard eyes, mark well the death-like paleness on his fallen cheek, and tell me, does not the sight plant daggers in your souls ? Unhappy Monk ! Cut off in the gay morn of manhood from all the joys which sweeten life, doomed to drag on a pitiful existence without even a hope to taste the pleasures of returning health ! Yet Monk, thou livest not in vain ; thou livest a warning to thy country which sympathises with thee in thy sufferings ; thou livest an affecting, an alarming instance of the unbounded violence which lust of power, assisted by a standing army, can lead a traitor to commit.

For us he bled, and now languishes. The wounds by which he is tortured to a lingering death were aimed at our country ! Surely the meek-eyed charity can never behold such sufferings with indifference. Nor can her lenient hand forbear to pour oil and wine into those wounds ; and to assuage at least, what it cannot heal.

Patriotism is ever united with humanity and compassion. This noble affection which impels us to sacrifice every thing dear, even life itself, to our country, involves in it a common sympathy and tenderness for every citizen, and must ever have a particular feeling for one who suffers in a public cause. Thoroughly persuaded of this, I need not add a word to engage your compassion and bounty towards a fellow citizen, who with long protracted anguish falls a victim to the relentless rage of our common enemies.

Ye dark designing knaves, ye murderers, paricides ! how dare you tread upon the earth, which has drank in the blood of slaughtered innocents shed by your wicked hands ? How dare you breathe that air which wafted to the ear of heaven the groans of those who fell a sacrifice to your accursed ambition ? But if the labouring earth doth not expand her jaws, if the air you breathe, is not commissioned to be the minister of death ; yet, hear it, and tremble ! the eye of Heaven penetrates the darkest chambers of the soul, traces the leading clue through all the labyrinths which your industrious folly has devised ; and you, however you may have screened yourselves from human eyes, must be arraigned, must lift your hands, red with the blood of those whose death you have procured, at the tremendous bar of God.

But I gladly quit the gloomy theme of death, and leave you to improve the thought of that important day, when our naked souls must stand before

before that being, from whom nothing can be hid.—I would not dwell too long upon the horrid effects which have already followed from quartering regular troops in this town; let our misfortunes teach posterity to guard against such evils for the future. Standing armies are sometimes, (I would by no means say generally, much less universally) composed of persons who have rendered themselves unfit to live in civil society; who have no other motives of conduct than those which a desire of the present gratification of their passions suggests; who have no property in any country;—men who have lost or given up their own liberties, and envy those who enjoy liberty; who are equally indifferent to the glory of a GEORGE or a LEWIS; who for the addition of one penny a day to their wages would desert from the christian cross, and fight under the crescent of the Turkish Sultan; from such men as these, what has not a state to fear? With such as these, usurping Caesar pass'd the Rubicon; with such as these he humbled mighty Rome, and forced the mistress of the world to own a master in a traitor. These are the men whom scepter'd robbers now employ to frustrate the designs of God, and render vain the bounties which his gracious hand pours indiscriminately upon his creatures. By these the miserable slaves in Turkey, Persia, and many other extensive countries, are rendered truly wretched, though their air is salubrious, and their soil luxuriously fertile.—By these France and Spain, though blessed by nature with all that administers to the convenience of life, have been reduced to that contemptible state in which they now appear; and by these Britain.—But if I was possessed of the gift of prophecy, I dare not, except by divine command, unfold the leaves on which the destiny of that once powerful kingdom is inscribed.

But since standing armies are so hurtful to a state, perhaps, my countrymen may demand some substitute, some other means of rendering us secure against the incursions of a foreign enemy. But can you be one moment at a loss? Will not a well disciplined militia afford you ample security against foreign foes? We want not courage; it is discipline alone in which we are exceeded by the most formidable troops that ever trod the earth. Surely our hearts flutter no more at the sound of war, than did those of the immortal band of Persia, the Macedonian Phalanx, the invincible Roman legions, the Turkish Janissaries, the Gens des Armes of France, or the well known Grenadiers of Britain. A well disciplined militia is a safe, an honourable guard to a community like this, whose inhabitants are by nature brave, and are laudably tenacious of that freedom in which they were born. From a well regulated militia we have nothing to fear; their interest is the same with that of the state. When a country is invaded, the militia are ready to appear in its defence; they march into the field with that fortitude which a consciousness of the justice of their cause inspires; they do not jeopard their lives for a master who considers them only as

the instruments of his ambition, and whom they regard only as the daily dispenser of the scanty pittance of bread and water. No, they fight for their houses, their lands, for their wives, their children, for all who claim the tenderest names, and are held dearest in their hearts, they fight *pro aris et focis* for their liberty, and for themselves, and for their God. And let it not offend if I say, that no militia ever appeared in more flourishing condition, than that of this province now doth; and pardon me if I say,—of this town in particular.—I mean not to boast; I would not excite envy, but manly emulation. We have all one common cause; let it therefore be our only contest, who shall most contribute to the security of the liberties of America. And may the same kind providence which has watched over this country from her infant state, still enable us to defeat our enemies. I cannot here forbear noticing the signal manner in which the designs of those who wish not well to us have been discovered. The dark deeds of a treacherous Cabal, have been brought to public view. You now know the serpents who, whilst cherished in your bosoms, were darting their invenomed stings into the vitals of the constitution. But the representatives of the people have fixed a mark on those ungrateful monsters, which, though it may not make them so secure as Cain of old, yet renders them at least as infamous. Indeed it would be affrontive to the tutelar deity of this country ever to despair of saving it from all the snares which human policy can lay.

True it is, that the British ministry have annexed a salary to the office of the Governor of this province, to be paid out of a revenue raised in America without our consent. They have attempted to render our Courts of Justice the instruments of extending the authority of acts of the British parliament over this colony, by making the Judges dependent on the British administration for their support. But this people will never be enslaved with their eyes open. The moment they knew that the Governor was not such a Governor as the charter of the province points out, he lost his power of hurting them. They were alarmed; they suspected him, have guarded against him, and he has found that a wise and a brave people, when they know their danger, are fruitful in expedients to escape it.

The Courts of Judicature also so far lost their dignity by being supposed to be under an undue influence, that our representatives thought it absolutely necessary to resolve, that they were bound to declare that they would not receive any other salary besides that which the General Court should grant them; and if they did not make this declaration, that it would be the duty of the House to impeach them.

Great expectations were also formed from the artful scheme of allowing the East-India company to export tea to America upon their own account. This certainly, had it succeeded, would have effected the purpose of the contrivers, and gratified the most sanguine wishes of our adversaries. —We

soon should have found our trade in the hands of foreigners, and taxes imposed on every thing which we consumed; nor would it have been strange, if in a few years a company in London should have purchased an exclusive right of trading to America.—But their plot was soon discovered.—The people were soon aware of the poison which with so much craft and subtilty had been concealed: Loss and disgrace ensued: And perhaps this long-concerted, master-piece of policy, may issue in the total disuse of TEA in this country, which will eventually be the saving of the lives and the estates of thousands.—Yet while we rejoice that the adversary has not hitherto prevailed against us, let us by no means put off the harness. Restless malice, and disappointed ambition will still suggest new measures to our inveterate enemies.—Therefore let Us also be ready to take the field whenever danger calls, let us be united and strengthen the hands of each other, by promoting a general union among us.—Much has been done by the Committees of Correspondence for this and the other towns of this province towards uniting the inhabitants; let them still go on and prosper. Much has been done by the Committees of Correspondence for the Houses of Assembly in this and our Sister Colonies, for uniting the Inhabitants of the whole Continent for the security of their common interest. May success ever attend their generous endeavours. But permit me here to suggest a general Congress of Deputies from the several Houses of Assembly on the Continent, as the most effectual method of establishing such an Union as the present posture of our affairs requires. At such a Congress, a firm foundation may be laid for the security of our Rights and Liberties; a system may be formed for our common safety, by a strict adherence to which we shall be able to frustrate any attempts to overthrow our constitution; restore peace and harmony to America, and secure honour and wealth to Great-Britain, even against the inclinations of her ministers, whose duty it is to study her welfare; and we shall also free ourselves from those unmannerly pillagers who impudently tell us, that they are licenced by an act of the British parliament to thrust their dirty hands into the pockets of every American. But I trust, the happy time will come, when with the besom of destruction, these noxious vermin will be swept for ever from the streets of Boston.

Sorely you never will tamely suffer this country to be a den of thieves. Remember, my friends, from whom you sprang—let not a meanness of spirit, unknown to those whom you boast of, as your fathers, excite a thought to the dishonour of your mothers. I conjure you by all that is dear, by all that is honourable, by all that is sacred, not only that ye pray, but that you act; that, if necessary, ye fight, and even die for the prosperity of our Jerusalem. Break in sunder, with noble disdain, the bonds with which the

Philistines have bound you. Suffer not yourselves to be betrayed by the soft arts of luxury and effeminacy, into the pit digged for your destruction. Despise the glare of wealth. That people who pay greater respect to a wealthy villain, than to an honest upright man in poverty, almost deserve to be enslaved; they plainly shew that wealth, however it may be acquired, is in their esteem, to be preferred to virtue.

But I thank God, that America abounds in men who are superior to all temptation, whom nothing can divert from a steady pursuit of the interest of their country; who are at once its ornament and safe-guard. And sure I am, I should not incur your displeasure, if I paid a respect so justly due to their much honoured characters in this public place; but when I name an A D A M S, such a numerous host of Fellow-patriots rush upon my mind, that I fear it would take up too much of your time, should I attempt to call over the illustrious roll: But your grateful hearts will point you to the men; and their revered names, in all succeeding times, shall grace the annals of America. From them, let us, my friends, take example; from them let us catch the divine enthusiasm; and feel, each for himself, the God-like pleasure of diffusing happiness on all around us; of delivering the oppressed from the iron grasp of tyranny; of changing the hoarse complaints and bitter moans of wretched slaves, into those cheerful songs, which freedom and contentment must inspire. There is a heart-felt satisfaction in reflecting on our exertions for the public weal, which all the sufferings an enraged tyrant can inflict, will never take away; which the ingratitude and reproaches of those whom we have saved from ruin cannot rob us of. The virtuous asserter of the rights of mankind, merits a reward, which even a want of success in his endeavours to save his country, the heaviest misfortune which can befall a genuine patriot, cannot entirely prevent him from receiving.

I have the most animating confidence, that the present noble struggle for liberty, will terminate gloriously for America. And let us play the man for our God, and for the cities of our God; while we are using the means in our power, let us humbly commit our righteous cause to the great Lord of the universe, who loveth righteousness and hateth iniquity.—And having secured the approbation of our hearts, by a faithful and unwearied discharge of our duty to our country, let us joyfully leave her important concerns in the hands of HIM who raiseth up and putteth down the empires and kingdoms of the world as he pleases; and with cheerful submission to HIS sovereign will, devoutly say

“ Although the fig-tree shall not blossom, neither shall fruit be in the vine; the labour of the olive shall fail, and the fields shall yield no meat; the flock shall be cut off from the fold, and there shall be no herd in the stalls: Yet we will rejoice in the LORD, we will joy in the GOD of our salvation.”

For the ROYAL AMERICAN MAGAZINE.

On AGRICULTURE.

AGRICULTURE is a most delightful as well as profitable study, and if properly attended to, will, in a number of years by the blessing of God make my country rise superior to all her enemies, and become the terror as well as envy of Europe. *The king is served by the field*, and from hence the subject by art and labour derives all the necessaries, conveniences, and even superfluities of life: This continent with proper management will produce them all. It is an amusement becoming a philosopher to enquire into the different nature of soils and manures, and to ascertain by experiment what soil is fittest for one seed and what for another, it being very certain, that one plant will grow in a luxuriant manner, where another will starve and perish. The merchant and the traveller who make their frequent tours about the world, might greatly serve their country by introducing valuable exotic plants from climes similar to this. We have lately been informed, that the raising Indigo is practicable in this country; we find by experience that Madder, an article much used in dyeing, thrives well here. If some gentleman skilled in the art of growing it, would communicate it to the public, he would do his country a signal service. Liquorice, and the Carolina patatoe, thrive well on the south-east side of a hill of a light soil. The Turkey rhubarb, and the aloes plant will, with some care well reward their labour who chuse to cultivate them. The white mulberry delights in no soil or climate, more than in this, the leaves of which being the best food for silk worms, and the culture of silk being the labour, if it may be so called, of the old and decrepid, and of children who are unfit for other business, requires our particular attention, ef-

pecially when we add the further consideration, not only of the vast profits, but that it is better than gold for exportation. In some situations the Wine Grape flourishes well, and with proper management much wine might be produced, even in this cold climate, the Rhenish for instance. In short, were the philosopher, the merchant, the travelling genius, and the practical husbandman, to lay their heads together, we should find it needless to traverse the briny ocean for any one thing necessary to make life comfortable or happy.

He that shall point out the easiest and cheapest method of tillage, give the best directions about sowing seeds to soils, introduce profitable plants, and teach us the best rules for the cultivation of them, will do a singular service to mankind.

It would give me great pleasure, frequently to see in your Magazine, accounts of the great progress Gentlemen in the country make in the noble art of husbandry: There are many persons of good fortunes, leisure and learning, scattered about in almost every country town; they might by making, and communicating through this medium, frequent experiments, put their country in a way soon to become rich and independent.

AGRICOLA.

P. S. I have often heard it said that burnet, a plant which cattle are very fond of, vegetates in the coldest weather, it might be worth while for some person to sow a little patch this Spring for an experiment next winter; should it succeed, we might have winter pasture for our creatures, when the snow is off the ground, which would be a great help when dry fodder is scant. Burnet seed is often to be had at the seed shops in Boston.

For

For the ROYAL AMERICAN MAGAZINE.

On HUMAN HAPPINESS.

HAPPINESS was the end and design of all creation, and the love of it is implanted in every mind, not to be extinguished. Man may lose his happiness but cannot lose his thirst for it, that *desire* not satisfied is what we call *misery*. As soon as we step into the world we are saluted with groans and lamentations, and we hear but little else until we get out of it. From the man that sways the sceptre to him who serves at the gate, every one has a mournful tale to tell, they vary in particulars but unite in the *dismal*, and form such a din that the voice of reason is seldom heard, and the blessings of heaven although poured down in one ceaseless shower cannot stop the cry of complaint. Ignorance, ingratitude, and profaneness, are the parents of this great *evil* under the sun.

The great error of mankind, consists in attempting to separate what heaven has united, their *duty* and *happiness*; they will not do their duty and therefore cannot be happy, and under continual disappointments they continually groan.

The voice of wisdom cries in the ear of reason, "man be wise, honour thy Maker as thy supreme delight, imitate him in universal beneficence, spread your influence to promote human felicity to the most extended circle—pleasure shall then spring up in thy mind to sweeten all the scenes of life, and be a fountain of delight forever." He who will not hear and obey must be unhappy; he may ride in the chariot of power, possess mountains of wealth, be dandled in the lap of smiling fortune and lean his head on her downy pillow, and yet be wretched, never enjoy even in idea, one moment of pleasure truly sublime, such as touches the noble soul.

Common complaint conveys an idea not much to the honour of him who utters it, it proclaims the absence

of virtue, and is often but little better than blasphemy, carrying in it a reflection upon infinite wisdom—and is always destitute of that supreme gratitude which should animate the human mind to breathe nothing but the incense of praise.

Man's felicity consists not in ease but in action, not in present enjoyments but in noble pursuits—our desires are unbounded, cannot be satisfied with limited pleasures, therefore we should pursue infinite good. The most exquisite pleasures arise from beneficence, to communicate happiness gives felicity to the eternal *mind*; and in this divine channel all rational beings must receive theirs—such pursuits enlarge, polish and ennoble the mind, while it encircles the whole scale of beings in its benevolent arms, and burns with a generous ardour to spread virtue and happiness round the world. Noble deeds are immortal, they do not die with the day nor expire by accident or time, but travel through life and feast the soul through every vicissitude of fortune with unfailing and solid joy: This dissipates the gloom of anxiety which clouds contracted hearts, banishes the insipidity of vulgar minds who are busied in low scenes and confined to the narrow circle of self, and lights up the soul with the gaiety and sun-shine of true felicity; and this fortifies it against every adverse incident in life: Like Britain's floating castles, it rides out every storm and enters the fair haven. While little barks are buried with the surf and die beneath the waves, the lofty ship feels a propitious gale which wafts her to the port, thus the noble mind sails over the sea of time—and life is one golden stream "calm as the night and bright as the day," growing in pleasure and shining with brighter beams until rolling years wind up the human scene, and heaven opens on the mind consummate day!

A CHRISTIAN PHILOSOPHER.

M.

To

To the EDITOR of the ROYAL AMERICAN MAGAZINE.

SIR,

I Agree with the first essayist, in your two first numbers, 'that the freedom and happiness of mankind essentially depend on the general spread of knowledge and learning; that this could not be affected by meretrade, or verbal relation; that it was, therefore, in great favour to the world the use of LETTERS was introduced.' Nor will I dispute with him the "divine original" of the wonderful invention of alphabetical letters. The nature and extensive utility of it seem not unworthy the divine interposition. But I must dissent from him, in respect to the date of this most important discovery. This author "apprehends that Moses was the first person who had the knowledge of letters; and that he derived it from the two tables of stone, miraculously engraven by the finger of God." The principal reason he assigns for his 'apprehension' is this, that "writing is never mentioned on any occasion whatsoever, before the giving the law." The learned author, when he made this assertion, seems to have been less attentive to the sacred history, than to the writings of christian fathers.

While the Israelites were encamped at Rephidim, before their arrival at Sinai (as appears from Exod. xvii. 8. compared with chap. xix. 2.) they were attacked by the Amalekites. The Israelites, under the conduct of Joshua, "discomfited Amalek and his people with the edge of the sword." The history of this victory, Moses is commanded by the Lord to "write for a memorial in a book." Will it be said, as it hath been heretofore, that this is spoken *proleptically*? The mode of interpreting scripture by such scholastic figures is, at this day of free inquiry, very justly exploded.

Again, when the Lord had proclaimed the ten commandments, in the audience of all the people, and had communicated to Moses, in a more

private way, many other laws and regulations, as related in the twentieth and three following chapters of Exodus; it is remarked chap. xxiv. 4, 7. that "Moses wrote all the words of the Lord," the *ten words*, or commandments without doubt, as well as the rest. "And he took the book of the covenant and read in the audience of the people." This was *previous* to the writing of the two tables with the finger of God; at least it was previous to giving them to Moses, as appears from the twelfth verse of this same chapter.

I readily agree with the learned essayist, that, "though Moses was directed to prepare," *i. e.* hew, "other tables, when they first were broken; yet they were again miraculously transcribed;" though some, I am aware, conclude from Exod. xxxiv. 27, 28. that Moses executed the whole of the second pair. 'The most probable reason, the essayist thinks, for the repetition of the miracle, is that Moses had not yet learned the art of writing? The two instances, adduced above, of Moses's prior skill in writing, sufficiently evince the futility of this reason. And that this second miraculous interposition must have been for some other reason, than the ignorance of Moses, appears further from the history Moses himself has given of this matter. It is all contained in the thirty-fourth chapter of Exodus. Moses receives this injunction from the Lord: "Hew thee two tables of stone like unto the first: And I will write upon these tables the words that were in the first tables, which thou breakest:—And come up unto mount Sinai." Moses obeys,—prepares the tables and ascends the mount. During his stay there, he receives a number of directions and laws, agreeable to, but *not the ten commandments themselves*, ver. 10—26. These words the Lord enjoins Moses to write, ver.

27. It follows in the next verse : " And he (Moses) was there with the LORD forty days and forty nights, neither eating bread, nor drinking water : and HE (the LORD, who had promised to do it, ver. 1. *) wrote upon the tables the words of the covenant, *the ten commandments.*" If Moses could write the former, he could the latter. Therefore the ignorance of Moses, in the art of writing, could not be the reason of the divine interposition. The true reason seems to be this,—to give an *additional* authority to " the words of the covenant, the ten commandments," which were the essence of the whole Mosaic system. For this divine autograph was to be kept as a sacred deposit, in an ark or chest made on purpose, for the benefit of future generations, Deut. x. 15. 1. Kings viii. 9.

Upon the whole, it is evident, that Moses did not " derive his knowledge of letters from the two tables of stone, miraculously engraven with the finger of God." Nor has the essayist by any means proved, that " Moses was the *first* person who had the knowledge of letters," from what source soever he might derive it. Moses himself intimates the contrary, — that writing was an art of ancient practice and well known to the Hebrews of his day. The places I have in view, are Exod. xxviii. and xxxix. In the former, directions are given how the sacerdotal garments were to be made ; the latter relates the execution of them. For the Ephod this is one of the di-

rections : " Thou shalt take two onyx stones, and grave on them the names of the children of Israel.—With the work of an engraver in stone, *like the engravings of a signet*, shalt thou engrave the two stones, with the names of the children of Israel." For the breast plate—" Thou shalt set in it four rows of stones. And the stones shall be with the names of the children of Israel, twelve, according to their names ; *like the engravings of a signet*, every one with his name shall they be according to the twelve tribes." Signets were in use aearly, at least, as the patriarch Judah, Gen. xxxviii. 18, 25. And it seems from the above reference to them it was the custom to engrave on them the name of the owner. And that this was done in *alphabetical letters* we have as much proof, as that the ten commandments on the two tables were.

In fine, I am fully persuaded LETTERS are much older than Moses ; though it is impossible, perhaps, to point out, with certainty, the period of the discovery. They may, for ought the essayist has proved to the contrary, be coeval with the first revelation in which all mankind were interested : And *that* first revelation, with all succeeding ones of the same kind, " *before* the tables," may have been " *written* at the time they were first given."

P. S. The essayist, in the conclusion of his second piece, has left it with his readers to infer, that poor *Teth*, corresponding to the Greek Theta, is a perfect expletive in the Hebrew alphabet, and every other into which it has been adopted !

* See also Deut. x. 2, 4.

JUSTICE and GENEROSITY.

Or, the remarkable HISTORY of Sir WILBRAHAM WENTWORTH.

[Continued from page 56.]

IN a little time after this, Colonel Mortimer and his family returned to England, leaving poor Harrington to brood in secret over the anguish of his own reflections—Harrington's parting with these deserving people was a considerable aggravation of his distress—though refused as a lover by Miss

Miss Dashwood he still visited at the Colonel's with his usual assiduity, and was even received with an increased regard on account of the implicit submission which he paid to that lady's injunctions—this in some measure soothed the bitterness of his disappointment, he found a melancholy kind of pleasure in looking at, or conversing with, the object of his affections, and flattered himself that time would restore his former tranquillity;—but the moment he lost this consolation, he became a victim to the most poignant despair, and would probably have fallen a sacrifice to his passion, if the death of his father which happened about this time, had not driven the tide of sorrow into a new channel, and opened a scene of business that helped, in some measure to rescue him from the gloom of his own imagination.

It was now so long since the unfortunate affair in which Mr. Harrington wounded his antagonist, that he was under no apprehension of setting out to England on the first intelligence, especially as the gentleman had perfectly recovered—he therefore departed with the utmost expedition—and when his father's funeral was solemnized, every debt discharged, and his mother of whom he was extremely fond, settled to his wish, the first object which recurred to his memory was the sum of which his grandfather had been said to defraud the poor Mrs. Ormsby. On a minute examination into the affair he found the charge against his ancestor was but too just, and he determined immediately to restore what could not honestly belong to him.—His fortune was extremely ample, not less than eight thousand a year with a prodigious sum of ready money, consequently there could be no necessity for procrastinating the payment; accordingly, ordering his steward to get bills ready to the amount of twenty thousand pounds, he desired him to carry them with a letter which he had written to Captain Ormsby.—“Captain Ormsby is dead, Sir, answered

the steward, and so is Mrs. Ormsby.”——“Good God, (replied Sir Wilbraham) how unfortunate—but they had a daughter.”——“She was taken by some of her father's relations, Sir, returned the steward, and left as we are told in very good circumstances by the will of a grand aunt, who, during the Captain's life would not give a shilling to relieve his necessities.”——“Well Mr. Willis, rejoined Sir Charles—I shall write a letter to the young lady—you can easily find her out I suppose.”——“Yes Sir, I believe I can” said Mr. Willis, on which Sir Wilbraham immediately sat down, and dismissed him with the following epistle:

MADAM,

IT is with infinite concern I recollect that your good mother, by some unaccountable means, was greatly injured by my family, and I blush to think that reparation has been delayed so long—give me leave therefore for the sum which was Miss Milmour's right, to beg your acceptance of the twenty thousand pounds enclosed in this letter, and to consider the extraordinary ten as a legal debt due for the interest of the original demand, and the expences which she was at in her unfortunate endeavour to recover it—do not hesitate a moment, madam, to receive your own, and be assured that the knowledge of your happiness will always give the greatest satisfaction to your

Most obedient humble servant

WILBRAHAM WENTWORTH.

The steward carried this letter in conformity to orders, and returned in a little time, producing a receipt for the money, and informing his master that the lady would do herself the pleasure of waiting on him immediately.—In about an hour she arrived accordingly attended by a gentleman and was shewn into Sir Wilbraham, who exclaimed, Miss Dashwood! Colonel Monimer! pray how long have you been in town? Miss Dashwood and the Colonel replied, by asking how long he had been in England, and expressing their

their great satisfaction at seeing him so well.—After congratulations had mutually passed—Colonel Mortimer began by asking where Sir Wilbraham was, saying that his cousin was come to thank him for a most extraordinary act of generosity, and expressing a little surprize that they did not find him in that room—Sir Wilbraham to this replied, “My dear Colonel you must now know Sir Wilbraham Wentworth is your old friend Harrington, and I shall be extremely happy—

The Baronet would have proceeded but he was interrupted by a violent shriek from Miss Dashwood—who just pronounced, “You Sir Wilbraham!”—and fell lifeless on the floor—If the surprize of the Colonel and Sir Wilbraham was great at this unexpected circumstance, their astonishment was still greater when on recovering Miss Dashwood, she went on to this purport.

If you are Sir Wilbraham Wentworth the hand of heaven is certainly working miracles,—when I thought you really Mr. Harrington, I told you my affections were unalterably fixed upon a man I had never seen—but at that moment they were fixed upon the son of Sir Charles Wentworth—after my poor father was obliged to part with his commission, and after he, with his little family, discarded by all their relations, were plunged in the deepest distress (we did not then know Colonel Mortimer was our relation) I have a thousand times heard my unhappy parents lavish in the praise of your humanity; I have a thousand times heard them declare that had it not been for the assistance which you procured them, they must have absolutely perished for want of bread—I loved my parents tenderly, Sir Wilbraham, and my heart greedily imbibed early sentiments of gratitude for their preserver.—As I grew up I

found this gratitude imperceptibly softening into tenderness, and the character which we continually received of you was so amiable, that I determined never to alter my situation, unless I could obtain Mr. Wentworth for my husband—Silly, idle and chimerical as my resolution may seem, my resolution was unalterable, and I do not blush to acknowledge myself the strenuous admirer of virtue—On the death of my father and mother, which happened while you were abroad, Mrs. Dashwood, who was aunt to the former, took me under her protection, though she never would take any notice of me before, and I had the good fortune to be such a favourite with her that at her decease she left me a large fortune on condition that I adopted her name—the name I accordingly assumed, the fortune I still possess, and if Sir Wilbraham Wentworth is actuated by the sentiments which were once acknowledged by Mr. Harrington, my person and my estate are at his service, whenever he thinks proper to demand them—I have not been two days in town and I signed the receipt for the twenty thousand pounds, with my original name, because I purposed immediately to wait upon Sir Wilbraham, to thank him for his unparralleled generosity, and to acquaint him with the happy revolution in my circumstances.”

Miss Dashwood having ended, Sir Wilbraham immediately accounted for his assuming the name of Harrington, which clearly explained this comedy of errors the two principal actors were in a little time after united, and live in the most perfect happiness that humanity can know, proving beyond a doubt, that however virtue may suffer for a time, even in this world, it is generally sure of being rewarded in the end.

To the EDITOR of the ROYAL AMERICAN MAGAZINE.

SIR,

By inserting the following in your Magazine, it may be of service to your fair readers, and possibly prevent some of them from going, and those that have gone, from continuing, in an error, to which, with grief I speak it, too many are subject.

A COUNSEL to the LADIES.

"If a man talks of love with caution, trust him;
"But if he swears, he'll certainly deceive you."

HAVING been for sometime, Ladies, a devotee at Venus's shrines, I think I can authenticate what shall be mentioned in the present fragment by experience, which is the surest way of reasoning.

The motto prefixed, contains in it the spirit of the subject, but which I shall strengthen by what follows.

When a gentleman first makes his approaches and behaves properly in every respect, the laws of good breeding bind, and natural benevolence demands, that you treat him with civility; but if he begins by entertaining you with praises superior to your conscious merit, conduct in the most reserved manner, and as if you did not know him, for he insults your understanding, and, as I conceive, affronts your delicacy; and depend upon it, the person who commences acquaintance so, intends making you a victim to his caprice and pride; or else, purposes developing in what degree your judgment lies, in order to his being ascertained of the necessary steps requisite for accomplishing his design. If he finds you a woman of good sense; one who resents such flattery, and spurns at the author, the repulse shakes his resolutions, if not oversets his whole scheme: But on the other hand, if you hearken to his sophistry with an ear of patience, (and who is she that does not love praise in one shape or other) with a countenance expressive of satisfaction, and a behaviour coinciding with both, his intention is half gained; and then it is, he redoubles his finesse, pouring forth whole loads of imprecations, and wishing they may fall upon him, if all is

not true that he says. A young mind naturally credulous and unacquainted with the wiles of some of my sex, cannot avoid believing most, if not the whole, of what he so solemnly swears to: But sorry I am to observe, (although frequently, too frequently, it is the case) that such talk will engage a lady on the deceiver's side, and make her think well of him, while the *ingenuous* lover is despised. After, by all the soothing, flattering and fawning protestations of love and admiration, he has wound the delicate fancy to the highest pitch, and she expects soon to be made his happy partner; I say, after she is made wholly his, the consequences generally attending such acquaintances are, either being abruptly left to think of past follies, in giving ear to such a fine fashionable lover; or otherwise to sorrow and repining for some liberties, which he, by subtle insinuations has obtained; and if afterwards the lady injured chides him for his behaviour, *why*, retorts he, *it is very odd, that a man cannot say a few pretty things, or indulge a little gallantry but the women must take it for love and courtship.* An excellent consolation this!

To avoid those disasters so incident to the believing fair, it is my advice, my sincere and hearty counsel, never to admit a gentleman to any freedoms, but such as are strictly virtuous: Such as are consistent with the most reserved gallantry: Such as are agreeable to constancy, love and friendship: Such as may rather tend to elevate than cloy the fancy. Never receiving the address of any man until you are ascertained by his great assiduity; his unremitting zeal for, and attention to you,

hrs

his sincere talk "void of delusive art"; and his irresistible importunities to accept of himself and all: I say, until you are assured by each of these that you, and you only, possess his affections, should you permit him to your love and not before.

In the next, or following numbers, by Mr. Editor's permission, I intend giving you an advice, concerning the choice of a husband, with whom you may spend an agreeable and happy life. For the present, I remain your friend,
AN OLD DECEIVER.

Experientia omnia docet.

To the EDITOR of the ROYAL AMERICAN MAGAZINE.

S I R,

IN a late News-Paper an account is given of the difficulties which Capt. Heming met with, in his late tedious passage from England. Among other things it is said, that for a considerable time they had no other water, than what was obtained from salt water by distillation. As this method is but little known; I have collected such accounts as I could most readily find, and thrown them together: And must beg the favour of you to insert them in your Magazine, for the use of Navigators. The greatest inconvenience that has been complained of, attending distilled water is its brackish taste. Numberless experiments have been tried to remove it: But unsuccessfully; till in the year 1769, Captain Newland in a voyage from the Red Sea to India discovered the cause of the brackishness and of course the remedy. I shall give his account nearly in his own words, selecting such parts, as will be most necessary.

"The materials necessary for this process are the following; a copper, or iron pot of fifteen, or twenty gallons; an empty cask; some sheet lead; a small jar; a little wood ashes, or soap, and billet wood for fuel"---- "In order to make my worm, I took as much sheet lead as I thought was sufficient, and beat it on a sponge staff to make it round. The deficiency of folder was supplied with good paste and thin canvas, of which there were two coatings, and then a covering of small line hove close together, and very tight round; and over this a third coat of paste and canvas,

"which to my great satisfaction, was sufficient to keep it from blowing. Having fixed my pipe into the pot lid, which was of three inch plank, and passed it through the worm-tub, I applied the other end to the jar, which served for a receiver extremely well. I had made two holes in the cover of the pot, one to receive the worm, and the other to take in a fresh supply of water. In order to prevent the steam from issuing out at these holes, and at the top of the receiver, I made a sort of mortar of wood ashes, salt water and rope cut very small and beat well together, which answered my end perfectly. My worm-tub was nothing more than an empty barrel, with two holes opposite to one another, through which the worm passed. All things being now ready, I filled the pot about two thirds full of salt water (about fifteen gallons) with which I mixed two, or three double handfuls of wood ashes, and stirred them well together, in order to soften the salt water. here it is necessary to observe, that if the worm be run far into the still when the water boils; the saline particles will stick upon the end of it, and render the distilled water brackish. Though the worm passed through cold water; yet the jar was very hot: So that I was obliged to keep wetting it, which prevented it from breaking, and made the water fit for use, as soon as the still was taken off. Every five or six hours, the still must be replenished with about five gallons of water:

"For

"For it consumes about a gallon per hour by boiling. These directions being strictly observed, a quantity of eight or ten gallons will be produced every twelve hours." Here it is very evident, that in those stills, where the worm is only a continuation of the top of the still, nothing more is necessary to preserve the water from brackishness, than the leaving several inches at the top; so that the salt water may not spatter into the worm in boiling. It were to be wished that every ship was furnished with a small still; as the inconveniences of being without one are great, and the whole apparatus with a supply of wood will take up but little room. In the account of Captain Wallis's voyage round the

world, we are told, "that he never came to an allowance, that when he had nothing more than forty-five tons of water, he always used his still, which with the rain that fell, supplied him with wholesome water, and without any disagreeable taste. We are further informed, that when he put fifty-six gallons into the still, in two hours it began to run, and in five hours and a quarter he had obtained thirty-six gallons at the expence of only *nine pounds* of wood and *sixty-nine* of coals, and that they used this water for tea and coffee." Hence it appears, that a still holding as much as two barrels, would supply ten men with water for six days at least, at a pretty good allowance, with only one day's work.

TO THE EDITOR OF THE ROYAL AMERICAN MAGAZINE.

SIR,

By inserting in your Monthly Repository the following Extract from Doctor Priestly's Essays, Medical and Experimental, you will oblige a number of your readers, particularly your humble servant,

MEANWELL.

EXPERIMENT on TEA.

THE Doctor after relating the success of the experiments he made to trace the differences, and ascertain the proportion, the astringency and bitterness which vegetables reciprocally bear to each other; former experiments having frequently caused him to observe they were distinct and separate properties; and by the last experiment finding two pieces of calf-skin, just stripped from the calf, immersed in cold infusions of green and bohea tea, at the expiration of a week, were hard and curled up, and that there was no sensible difference between them; proceeds thus:

"This experiment affords a striking proof, of the difference between the action of a medicine on the dead, and on the living fibre. Tea, when applied to the former, is manifestly astringent; and yet when received into the stomach, it is highly debilitat-

ing and relaxant; and the immoderate use of it is attended with the most pernicious effects. It is curious to observe the revolution which has taken place, within this century, in the constitutions of the inhabitants of Europe. Inflammatory diseases more rarely occur, and in general, are much less rapid and violent in their progress, than formerly. Nor do they admit of the same antiphlogistic method of cure, which was practised with success a hundred years ago. The experienced Sydenham makes forty ounces of blood the mean quantity to be drawn in the acute rheumatism; whereas this disease, as it now appears in the London Hospitals, will not bear above half that evacuation. Vernal Intermittents are frequently cured by a vomit and the bark, without venesection; which is a proof, that, at present, they are accompanied with fewer symptoms of

of inflammation, than they were wont to be. This advantageous change however is more than counterbalanced, by the introduction of a numerous class of nervous ailments, in a great measure unknown to our ancestors; but which now prevail universally, and are complicated with almost every other distemper. The bodies of men are enfeebled and enervated, and it is not uncommon to observe very high degrees of irritability, under the external appearance of great strength and robustness. The hypochondria, palsies, cachexies, dropsies, and all those diseases which arise from laxity and debility, are, in our days endemic every where; and the hysterics, which used to be peculiar to the women, as the name itself indicates, now attacks both sexes indiscriminately. It is evident, that so great a revolution could not be effected, without the concurrence of many causes; but amongst these, I apprehended, the present general use of tea holds the first and principal rank. The second place may perhaps be allotted to excess in spirituous liquors. This pernicious custom, in many instances at least owes its rise to the former, which by the lowness and depression of spirits it occasions, renders it almost necessary to have recourse to what is cordial and exhilarating. And hence proceed those odious and disgraceful habits of intemperance, with which too many of the softer sex of every degree, are now, alas! chargeable.

From the 27th and 29th experiments it appears, that green and bohea tea are equally bitter, strike precisely the same black tinge with green vitriol, and are alike astringent on the simple fibre. From this exact similarity in so many circumstances, one should be led to suppose, that there would be no sensible diversity in their operation on the living body. But the fact is otherwise. Green tea is much more sedative and relaxant than bohea; and the finer the species of tea, the more debilitating and pernicious are its effects, as I have fre-

quently observed in others and experienced in myself. This seems to be a proof, that the mischiefs ascribed to this oriental vegetable, do not arise from the warm vehicle by which it is conveyed into the stomach, but chiefly from its own peculiar qualities.* And these qualities probably accompany the highly flavoured parts of the leaves; and depend upon the nicety and care observed in the collection and preparation of them. When fresh gathered, they are said to be narcotic, and to disorder the senses; and the Chinese cautiously abstain from the use of them, till they have been kept for twelve months.† It is remarkable that only one species of the tea plant is yet discovered, and that all the varieties of this dietetic article of commerce are owing either to the difference of climate, or to the diversity in the method of curing it. The fine green teas, which are the first crop of the shrub, are gathered with the utmost caution and dried with the gentlest heat, that their perishable flavour may be preserved. The bohea teas are more hastily exsiccated, and even slightly parched over the fire, by which they acquire that brown colour which distinguishes them. And as their more volatile parts are dissipated by this management, they become proportionably less injurious to the nervous system.

But however cogent the objections may be, against the general and too frequent use of tea, candour obliges me to acknowledge, that it is capable of being applied to very important, medicinal purposes. From its sedative power, and the weakness which it suddenly induces, it might be administered with advantage in ardent and inflammatory fevers, in order to abate the force, and lessen the inordinate action of the vis vitæ. In such cases it should be given either in substance or

* *Theræ infusum, nervo musculove rante ad motum, vires motrices minuit, perdit.*
Smith tentamen Inaug. de actione musculari, p. 46. exp. 36.

† Neumann's Chemistry, p. 376.

in strong infusion; and besides allaying the troublesome sensations of heat and thirst, which are the constant concomitants of those distempers, it would probably serve as a good substitute for some of the usual evacuations. And thus instead of producing watchfulness, which is a common effect ascribed to it in weak habits, it would in all likelihood prove

the safest and most salutary opiate. After a full meal, when the stomach is oppressed, the head pained, and the pulse beats high, tea, is a grateful diluent, and agreeably sedative. And as studious, sedentary men are particularly subject to indigestion and the head ach, it is on this account justly stiled "the poet's friend."

To the EDITOR of the ROYAL AMERICAN MAGAZINE.

S I R,

THE small pox still continuing to spread among the good people of the town of Salem, and proving but too frequently fatal to those unhappy persons who take it in the natural way, I conceive a page or two of your Magazine may not be unprofitably dedicated to the consideration of a successful method of treating this violent disease.

When any person is seized with the small pox in the natural way no time should be lost in calling a physician well skilled in inflammatory disorders, who will not neglect to evacuate the first passages, blood vessels, or both, as occasion may require; and then pursue the same methods as he would in a pleurisy, ardent fever, &c. without fear, or loss of time; for I can assure my fellow countrymen that upon the improvement of the interval between the patient's sickening and breaking out, the whole success depends.

The notion that a fever is the instrument of nature to keep all things in order in the human system, is a perfect chimera. Fevers in general are caused by some acrid matter stimulating the sensible parts, and drawing them into contractions. If these contractions be alternate and hastened, a fever ensues; if great and continued, a spasm, cramp, and in some cases a total cessation of motion. In warm habits, the fever more commonly takes place, in the cold, spasms. The skilful physician will always

satisfy himself whether the greater quantity of the offending matter lies in the stomach and bowels, or has yet made its way into the blood vessels. In the first mentioned case he will thoroughly empty them, though perhaps with the gentler purges of the cooling kind: In the latter he will freely use his lancet; and that upon the first rise of the fever or as high to it as possible. Nevertheless as all evacuations, by freeing the system from humors irritating by their heat, acrimony or both together, mightily cool the body, it is necessary so to govern them as not to suffer the circulation to fall much below a healthy standard: All considerable chills from which nature at all recovers, being succeeded by a proportional fever.

I have been frequently called to persons who had taken the infection at a distance from home, and travelling several miles through the winter's cold, had (perhaps) all the symptoms of violent pleurisy upon them. Without a moment's hesitation, I have bled, puked, purged, and ordered them a cooling and composing regimen; which never failed to terminate in a happy issue; though on the presumption that these measures were utterly naught in the small pox, I have often been severely censured for mistaking the case and endangering the life of the patient. And I sincerely believe that by accidents of this kind the cooling regimen came first into practice. How many have been seized

seized with the small pox, and no such disorder prevailing in the country at the time, their physician had not the remotest suspicion of the real disease, (that is as to name or specific character) and yet have fared better than any proportion of patients whose cases were no ways doubtful.

Innumerable observations have confirmed me, that to ensure a happy issue to this malady the violence of heat, motion and consequent inflammation in the first stage must be calmed—that when the eruption really begins, the patient should be careful not to expose himself to a colder air than he had been kept in, during the first days of sickness—that in case of a little fever, thirst, &c. warm beverage, weak punch, &c. be freely allowed to quench the fire, or raise the spirits, if by any means they happen to be depressed.

As soon as the pock is turned, and a secondary fever comes on, all hands agree a gently opening course is then necessary; nor can we well be too free with vegetable acids; as this fever is certainly of the hectic class, arising from the purulent matter taken up into the circulating mass. A mistaken fear of weakening the patient by purging off humors running into the last stage of putrefaction has deterred many from giving their patients some chance of recovery, when the neglect of it left none at all.

Here also comes in a remedy which few, comparatively, have commended in the small pox; I mean the Peruvian Bark. When large internal ulcers, by discharging their contents into parts where they are taken up by the returning vessels and mixed with the blood produce the fever, I avoid the bark: But had I an external ulcer of ever so large an extent, and were I hectic by means of the pus taken up from it, I would not at all fear the bark in that case. I was much hectic myself, after the turn of the pock in the West-Indies, and found a speedy cure from the bark, electarised with conserve of roses,

syrup of balsam, and gently soured with elixir of vitriol.

Mercury and opium have each their abettors and opposers in this disease as well as others. Where the intestines are lined with a tenacious mucus, and that mucus begins to turn feverish, I have never found any thing equal calomel and rhubarb for its removal. But where hard and dry feces plug up the bowels, the opening drinks of senna salts, and manna given in a sufficient quantity of liquor are most proper.

Opium is as improper as mercury to be given in a dry, feverish condition. Many have observed its making their patients more watchful and restless than they were before they had taken it. Did they in such cases gently move the belly, and apply warm fomentations to the patient's feet, such as blocks of light wood boiled in water, or bricks heated, watered and wrapt up in flannels, a small dose of opium would then effect what might be desired.

The good practitioner will always keep the stricture or laxity, or as the Edinburgh professors more properly phrase it, the excitement or collapse of the system in view; and never let the vital motions exceed or fall much below the standard. Too great a hurry of the circulation produces heat, inflammation a viscidty, or sly thickness of the slimy fluids, hence the sudden dryness of the mouth, thickness of the tongue, &c. whence two great evils accrue to the patient, for 1. the retention of the thickened saliva with the blood is hurtful to the system; and 2. the want of its dilution in the first passages is at least one negative cause of the indigestion heat, dryness and thickness of their contents. On the one hand, too slow a motion gives occasion for a collapse of the vessels, a thickening of the lymph, mucus and nervous fluids; and on a rise of the circulation, these circumstances rendering the fluid's motion more difficult through them, raises a feverish agitation, greater or less in proportion

proportion to the number, quantity and duration of the above causes; to which may be added the peculiar irritability, and spasmodic disposition of the patient. And what is more to be feared than all, from too slow and difficult a motion of the fluids; particularly those of the excrementitious and digestive kind, which naturally tend to putrefaction, is that corruption of the abdominal contents, which speedily throws the whole body into the most alarming condition. The very sensible membranes of the stomach and bowels are first affected by this unnatural stimulus, which draws them into spasms, communicating rigors and horripilations throughout the system. Deliriums, subfultus tendinum, with all their horrid train of attendants now take place; for which blisters, musk, &c. are generally had recourse to, as the last remedies. Did the physician but consider one moment that in the small pox, particularly after the turn, the tendency to putrefaction must be imminent; indeed I ascribe the secondary fever always to it; I say did physicians consider this, they would hardly think

of drawing off a meer vapour by blisters, or calming the violent agitations of the brain and nerves by a little musk, while the whole contents of the bowels were sending up clouds of putrid effluvia to them every moment. The constant fear is that evacuations will sink the patient. This will hardly ever be the case where the whole mass of fluids are not so corrupted already, that purge or not, they will soon run off by a fatal diarrhæa. Perhaps no one point in the whole practice of physic is more difficult to settle accurately in each practitioner's mind than the time he ought to purge, the medicine he ought to use, and the frequency with which he ought to repeat this efficacious operation. For my own part, I declare that I meet with few fevers of what kind soever that purging in one degree or other is not indicated in some state of the disease.

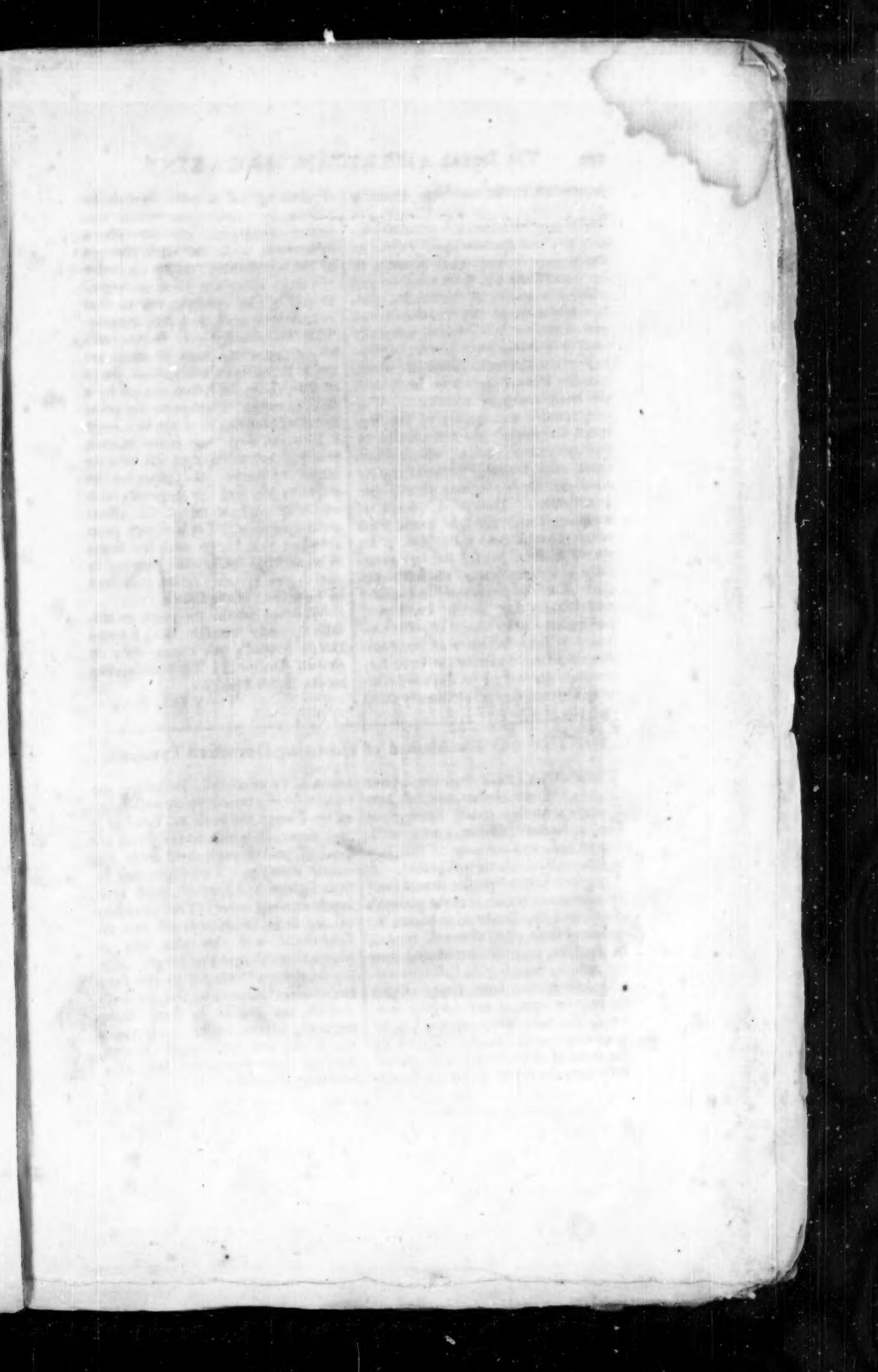
Whoever would see more on this subject, may consult the learned Doctor Friend's 7th commentary on Fevers, Doctor T. Thomson's essay on the Small Pox, &c.

T. YOUNG.

Dr. TISSOT's Method of recovering DROWNED PERSONS.

IMMEDIATELY strip the sufferer of all his wet clothes, and rub him strongly with dry coarse linen; put him, as soon as possible, into a well-heated bed, and continue to rub him well a considerable time together. A strong and healthy person should force his own warm breath into the patient's lungs, and the smoke of tobacco, by means of some pipe, channel, funnel, or the like, may be introduced into the mouth, stopping the sufferer's nostrils close at the same time. Open the jugular vein, if any surgeon is at hand, and take away about ten or twelve ounces of blood. Throw up the fume of tobacco likewise plentifully into the intestines by the funda-

ment. To effect this, introduce the small tube of a tobacco-pipe well lighted up; wrap the head or bowl of it in a paper, in which several holes are picked, and through these force the breath strongly. Two pipes may be thus lighted and applied, with their bowls covered over: The extremity of one is to be introduced into the fundament, and the other may be blown through into the lungs. Apply the strongest volatiles to the patient's nose. Blow up the patient's nostrils the powder of some strong dry herb, as sage, rosemary, especially marjoram, and well dried tobacco. Employ these means, especially after bleeding, if possible.



**The Fortune Hunter.**

The FORTUNE HUNTER.

A MODERN TALE.

[Illustrated with an elegant Plate.]

CHAP. II.

Who steps at dangers, or disguises,
Where wealth and beauty are the prizes?

IN the last chapter, we left the rescued knight, just going to relate his adventures to his kind deliverer. What knight does he mean (I hear a smart critic say, looking around with an air of silly significancy, on the fair circle, to whom he is reading) I know of no knight!—Why, look back, good sir, to page 61, of the last number, and you will find a rib-roasted knight, or at least an Esquire by his drels, if you will not permit me to dub him, by anticipation, whose heroic achievements, as they shall be faithfully recorded in this true history, will give him as just a claim to that honourable title as eating a whole haunch of venison, or making an awkward bow—So, sir! now you have refreshed your memory, you may read on, to the ladies,—The Squire then or knight, which you please, proceeded thus, to gratify the curiosity of his benefactor.

“The favour I have received from you, to-night, Sir, in rescuing me from the hands of those blood-hounds gives you a right to be informed of the circumstances, that brought me into such distress, to do which, the more clearly, it will be necessary for me, to give you a short account of my past life. You must know then, Sir, that I am the only son, of a merchant of this city. You seem surprized, that I should own so mean a descent; but do not think the worse of me for it: we cannot chuse our own parents; and tho’ my father was reduced by the vicissitudes of fortune to defile his hands with trade, my mother amply made it up, being descended from the O’Mac Farryby’s one of the best Milesian families in the kingdom of Ireland, and

able to trace her pedigree to Noah, and shew her kindred to all the royal houses in Europe. You wonder how such a person could descend so low, as to such a marriage; but alas! sir, the calamities of the times make us do many things that we should otherwise disdain to think of: The loyalty of my mother’s family to king James having made the conquerors strip them of all their vast possessions in their own country, my mother thought proper to come over here, to see some of her noble relations, when meeting my father accidentally, they took such a liking to each other, that she accepted of his invitation, to spend sometime, in his house, where her economy, and care of his family gave him so high an opinion of her, that after some years solicitation, he prevailed upon her to marry him. To be sure such a match was beneath her high birth; but tho’ he was a Jew, and trafficed in old cloaths, yet he was reckoned rich, and traced his lineage to the house of David, which, though not so ancient as my mother’s, was still above a modern upstart. Of this marriage, I was the only fruit, my father dying even before I was born.—His death putting my mother in the possession of a good fortune, she did not remain long a widow; but in about three months after I was born, married a distant relation of her’s, who had been a volunteer in the French service, and called me after his own name, to wipe off the disgrace of her former marriage: and, to do the Captain justice, he was as fond of me, as if I had really been his own son, taking the best care of my education while he lived, by sending me to the academy of Paris, and

at his death, settled half his fortune on me, and left me in the care of a person in whose honesty, he had an entire confidence, foreseeing that my mother would marry again, as in reality she soon did to a German baron, for she was passionately fond of family.

"The person in whose care I was left, was an honest man, 'tis true; but then he had a very narrow way of thinking, and the most absurd notions of the world; for he immediately brought me home from France, and though I was fourteen years old and fit to have rode in the brigades, insisted on my going to a paltry English school: and as soon as I had recovered the use of the English language and gone through a proper course of learning, sent me to Oxford, to prepare me for the study of the law, as my reputed father had absolutely forbid my being bred to any kind of trade, and my guardian's prejudice of education gave him an aversion to the army. After three years spent in the University, he brought me up to London, and settled me in chambers, in the Temple, to study the law; but though he had it in his power to hinder my following my own inclinations to the army, he could not make me fulfil his. The stupid study, and toilsome profession of the law, I looked upon as beneath one, whom nature had blessed with the qualifications, requisite for making a fortune by a shorter way, and shining in a most brilliant sphere of life. But readily as I embraced so promising a scheme, I must confess the thought was not originally my own. My mother, whose third marriage was not so prudent as her first, nor so happy as her second, was by the extravagance of her husband, reduced almost to a state of want, when my careful guardian fixed me in the Temple. Though he had positively refused to give her any assistance out of my fortune, I had too high a respect, for a person of her family, much more my own mother, to let her want any relief in my power; to do which, as my guar-

dian's allowance was barely sufficient for myself, I was obliged to have recourse to some of my father-in-law's friends, who kindly advanced me whatever money I wanted, to be repaid, on proper terms, when I should come of age. But as my fortune was not sufficient to support such an expence long, my mother soon started the scheme of advancing it, and pushing myself in life, by marrying some young lady, of a large fortune.——'Why should such a clever, handsome young fellow as you, sit poring over musty old books, in the prime of your days,' would she often say, 'when you might do so much better, if you would lay yourself out for marrying some great fortune? See how your cousin O'Shanaghane married a merchant's daughter, but the other day; and he was nothing like so comely, and clever a man as you.—Throw by your books, and take to that which has always been fortunate to your countrymen; for are you not my own child, and is not my country your's.'——Such thought could not but be pleasing: my glass convinced me, of the justness of it; and I resolved immediately to put it in practice.

"Accordingly I raised a proper supply of money, from the same friends as before, and dressing myself out, in the genteel manner, frequented all public places, where I was soon taken distinguished notice of, the polish of my French education not being quite worn off by the rust of England.—While I was thus putting myself, as I may say, in fortune's way, my mother and her husband were not idle, but made all the enquiries they could, she among the French milliners and school-mistresses, and he among the German gentlemen of their several acquaintances, among whom they both had an extensive interest. A scheme so well planned, and supported, we concluded could not fail of speedy success; nor was it long, before a proper object was pitched upon, for our purpose.—The mistress of a French

French boarding-school, to whom my mother was recommended; upon the occasion, in consideration of an handsome present in hand and a much larger on the success of our design, gave her information of the daughter of a wealthy merchant, in this neighbourhood, who had been lately taken from her school; and who, as she is the only child of her father, must necessarily have all his great fortune; she informed her who were her milliner, mantua-maker, dancing, music, and French masters; for though her father thought her too big, to stay longer at school he willingly let masters of every kind attend her, at home: with the two first of these, my mother soon settled a proper understanding, as did her husband with the rest, so that all things had the most promising appearance.

As soon as every thing was thus prepared, I made it my business to get a sight of the fair object of my designs, and to shew myself to her at church. If I was pleased to find her beautiful beyond my very hopes; neither did she seem unaffected with my dress, person, or earnest attention to her. In short, our eyes made an acquaintance, she never lifting her's that mine did not meet them, which I did not fail to improve by a tender declaration of my passion, in a letter which her milliner undertook to deliver next morning, with such a representation of my family and fortune as should give it the proper weight; accordingly, she brought me word, that the young lady received it, though not without great difficulty, till her recommendation removed her scruples, when she made such an enquiry about me, as shewed that I was not indifferent to her. Things went on thus, for some time: I took care to put myself in her way, where-ever she went, as I had constant intelligence of all her motions; and every morning sent her a letter, setting forth the violence of my passion, and imploring a meeting with her, to which, tho' she did not send any written answer, which

she said was in consequence of a vow she had made to her father, I constantly received such kind messages, that I thought nothing of the expence I was constantly at, in getting my letters conveyed to her, though each cost me as much as to have sent it express to Constantinople.

At length, no longer able to resist the warmth of my solicitations, she consented to give me a private meeting, and appointed this night, when she said her father would be out of town. You may easily judge how welcome this news was to me. I dressed myself in my richest suit, and putting a good purse of gold in my pocket, to be prepared, in case I could prevail upon her, to go off with me, I attended her summons to a moment, I was no sooner admitted by a back door, into the stable, than her maid informed me, that it was her mistress's desire I would pull off my own cloaths, and put on a gown and cap of her's, which she sent me, for fear of being observed by any of the servants.

Though this was a great disappointment to me, for I had proposed to myself great advantage, from the elegance and richness of my dress, I was obliged to obey; and stripping myself, put on the cloaths, in which you found me: As soon as this was done the maid led me out into the garden, and then went to see if the coast was clear, leaving me in the dark, to wait for her return; when I had waited above two hours, till I was almost chilled to death, she came at length, scared out of her wits, and told me her master was come home, and certainly had got some intelligence of my being in the house; for he raved and cursed like a madman, and swore he would search every corner of the house, or he would find out the reason of my mistress's being up so late. 'At this, said she, my poor lady fainted away, not so much upon her own account, as for fear any thing should happen to you, for he is quite desperate, when he is in a passion, and would not regard killing any one that

‘ that opposed him ; so as I know
 ‘ her mind, under pretence of run-
 ‘ ing for some water for her, I have
 ‘ come to let you out.’—Though
 this was a great disappointment, I
 was glad it was no worse ; and hoped
 another timemight be more fortunate,
 but as ill luck would have it, the
 maid, in her confusion, had forgot
 the key of the stable, so that I could
 not even get at my own cloaths :
 while we stood fretting, we heard her
 master order his man to bring a lan-
 thorn, that he might go and search
 the stable. It is impossible to describe
 the terror, into which this threw me.
 My cloaths I knew must be discovered
 at any rate ; but much as the loss
 of them grieved me, I was more im-
 mediately concerned at the danger to
 which my person was exposed, es-
 pecially as it was out of my power, to
 make any resistance or defence : I
 therefore, in my confusion, complied
 with the advice of the maid, who pro-
 posed that I should step into an empty
 hop-sack and standing upright, among
 a number of full ones that were there,
 take my chance to escape unnoticed.
 As soon as she had drawn it up over
 my head, she tied it close, and bidding
 me not stir, had scarce time to get
 away, when her master came out, and
 going directly into the stable, ‘ hold
 (could I plainly hear him exclaim)
 ‘ hold ! here is the serpent’s skin,
 ‘ and dead or alive, I’ll find himself
 ‘ if he is above ground.’—Saying
 this, he came into the yard and tak-
 ing notice, that the shed under which
 the hop-sacks stood, was broke, and
 they all covered with snow, his con-
 cern was changed for a moment, and
 he ordered his man, to fetch some
 straw out of the stable, to stop the hole,
 while he beat off the snow with his
 cane. In the course of this work,
 many an heavy blow fell upon my back
 and shoulders, as he laid indiscrimi-
 nately about him ; the pain of which
 so far got the better of my fears, that
 I could not help crying out.—
 ‘ Thieves ! robbers !’ said he direct-
 ly, ‘ here, John, Thomas, William !

‘ I have got the robber, bring me the
 ‘ blunderbuss from my bed’s head,
 ‘ I’ll kill the villain directly.’—‘ Had
 ‘ not you better, (sir answered his
 ‘ man) to take him out of the sack,
 ‘ and make him *peach* his accomplices,
 ‘ and so they will be all hanged to-
 ‘ gether.’—‘ Hanged, no ! I’ll not
 ‘ wait for that ! The fellow may
 ‘ break jail and bribe false witnesses, to
 ‘ save him ! I’ll not wait for that ;
 ‘ I’ll kill him myself, in the sack ;
 ‘ and as I do not know who he is,
 ‘ there can be no malice prepense, and
 ‘ so it can’t be murder.’—‘ Why,
 ‘ that’s true, master ; but then the
 ‘ shot will alarm the neighbourhood :
 ‘ would not the kitchen poker, made
 ‘ red hot, do as well : nobody can
 ‘ find fault with your running that
 ‘ into your own sack.’—‘ A good
 ‘ thought, go bring it to me directly ;
 ‘ and if it is not hot enough, blow up
 ‘ the fire, I’ll watch him here.’

“ All the time of this consultation, I
 continued to cry out for mercy, as loud
 as I could, but not a syllable of reply
 was made me, only every time, I at-
 tempted to struggle, I received a se-
 vere blow to keep me quiet ; but
 what made this situation ten times
 more horrible was, that I could hear
 the man all the while blowing the fire
 to heat the poker ; for the place I was
 packed in, was just by the kitchen
 window : at length, out he came with
 it in his hand, and dipping the handle
 of it in water, to make it cool enough
 for his master to take hold of, the hiss-
 ing terrified me, to such a degree, that
 I swooned directly away, and knew
 nothing that happened afterwards, till
 I found myself in the watch house,
 where I received such abuse, from those
 wretches, as put me in the condition
 you saw, and from which you so kind-
 ly delivered me.”

Our unfortunate adventurer having
 thus finished his story, his friend ad-
 vised him to go to bed, as rest must be
 necessary to restore his spirits, after so
 much fatigue, promising to call upon
 him in the morning, and consult what
 was proper to be done, and so took his
 leave

leave.—‘ So my good friend, (says
‘ the reader) have I caught you
‘ tripping again? I thought the gen-
‘ tleman complained, that he could
‘ not get his cloaths, when he was
‘ going into the bag! How comes it
‘ then, that we find them with him
‘ in it now?’ ‘Good Sir, have patience,

‘ I referred you back before! Now I
‘ must beg you to suspend your cen-
‘ sure, till you come to the next chap-
‘ ter, which will not only unravel this
‘ difficulty, but also open other secrets
‘ to you, equally surprizing and de-
‘ lightful.’

Poetical Essays, for March, 1774.

For the ROYAL AMERICAN MAGAZINE.

CASTLE BUILDING,

*An ELEGY taken from the following passage,
“ Sweet pliability of man’s spirit that can, at
once, surrender itself to illusions which cheat
expectation and sorrow of their weary mo-
ments.” Stern’s Sentimental Journey.*

GODDESS of golden dreams whose magic
pow’r,
Sheds smiles of joy o’er mis’ry’s haggard face;
And, lavish, strews the visionary flow’r,
To deck life’s dreary paths with transient grace.
I woo thee, Fancy, from thy fairy-cell,
Where, midst the endless woes of human kind,
Wrapt in ideal bliss thou lov’st to dwell,
And sport in happier regions unconfin’d.
Deep sunk, O goddess! in thy pleasing trance,
Oft let me seek yon low sequester’d vale:
Whilst Wisdom’s self shall steal a side-long glance,
And smile contempt—but listen to my tale.
Alas! how little do her vot’ries guess,
‘Those rigid truths, which learned fools revere,
Serve but to prove, O bane to happiness!
Our joys delusive—but our woes sincere.
Be theirs to search where clust’ring roses grow,
‘Touching each sharp thorn point to prove
how keen:
Be mine, to trace their beauties as they blow,
And catch their fragrance where they blush
unseen.
Haply, my path may lie thro’ barren vales
Where niggard fortune all her smiles denies;
E’en there shall fancy scent the ambient gales,
And scatter flowrets of a thousand dyes.
Nor let the worldling scoff; be his the task
To form deep schemes, and mourn his hopes
Be mine to range unseen, it’s all I ask, (betray’d:
And frame new worlds beneath the silent shades.
To bid groves, hills, and livid streams appear,
The gilded spire, arch’d dome and fretted vault:
And sweet society be ever near,
Love ever young, and friends without a fault:
I see, entranc’d, the gay conception rise;
My harvest ripen, and my white flocks thrive;
And still as fancy pours her large supplies,
I taste the godlike happiness to give.
To check the patient widow’s deep fetch’d sighs,
And shield her infant from the north-east rude:

To bid the sweetly glist’ning tear arise
That swims in the glad eye of gratitude:
To join the artless maid and honest swain,
Where fortune rudely bars the way to joy:
To ease the tender mother’s anxious pain,
And guard with fost’ring hand her darling boy.
To raise up modest merit from the ground,
And send the unhappy smiling from my door:
To spread content and cheerfulness around,
And banquet on the blessings of the poor.
Delicious dream! how oft beneath thy pow’r,
Thus light’ning the sad load of others’ woe,
I steal from rigid fate one happy hour;
Nor feel I want the pity I bestow.
Delicious dream!—how often dost thou give
A gleam of bliss which truth would but de-
stroy:
Oft dost thou bid my drooping heart revive,
And catch one cheerful glimpse of transient joy.
And, O how precious is that timely friend,
Who checks affliction in her dread career;
Who knows distress, well knows that he may lend
One hour of life, who stops one rising tear.
O! but for thee, long since the hand of care
Had mark’d with livid pale my furrow’d cheek
Long since the shiv’ring grasp of cold despair
Had chill’d my breast—and forc’d my heart
to break.
For ah! affliction steals with trackless flight;
Silent the stroke she gives, but not less keen:
And bleak misfortune, like an eastern blight,
Sheds black destruction, tho’ it flies unseen.
O come then fancy, and with lenient hand,
Dry my moist cheek, and smooth my fur-
row’d brow;
Bear me o’er smiling tract of fairy land,
And give me more than fortune can bestow.
Mix’d are her boons and chequer’d all with ill;
Her smiles, the sunshine of an April morn;
The cheerless valley skirts the gilded hill,
And latent storms in every gale are born.
Give me thy hope that sickens not the heart;
Give me thy wealth that has no wings to fly;
Give me the pride thy honour can impart:
Thy friendship give me warm in poverty.
Give me a wish the worldlings may deride,
The wise may censure, and the proud may
hate:
Wrapt in thy dreams, to lay the world aside,
And catch a bliss beyond the reach of fate.
For

For the ROYAL AMERICAN MAGAZINE.

VERSES found among the Manuscripts of a late hon. BENJAMIN PRATT, Esq; Chief Justice of the province of New-YORK, supposed to be written by himself.

THOU' guilt and folly tremble o'er the grave,
No life can charm, no death affright the brave ;

The wise, at nature's laws will ne'er repine,
Nor think to scan, or mend the grand design,
That takes unbounded nature for its care,
Bids all her millions claim an equal share.
Late, in a microscopic worm confin'd,
Then in a prison'd fetus, drows'd the mind ;
Now of the ape-kind, both for sense and size,
Man eats and drinks, and propagates and dies.
Good Gods ! if thus to live our errand here,
Is parting with life's trifles worth our fear ?
Or what grim furies have us in their pow'r,
More in the dying than each living hour ?
Ills from ourselves, but none from nature flow,
And VIRTUE'S road cannot descend to woe.
What nature gives, receive, her laws obey ;
If you must die to-morrow, live to day.
The prior states, thy mind hath varied through,
Are drown'd in Lethe, whose black waves pursue
To roll oblivion, o'er each yesterday,
And will, to-morrow, sweep thyself away.
But where ! no more unknown is future fate,
Than your own end, or essence in this state.
The past, the future, and our nature hid,
Now comic, and now tragic scenes we tread ;
Unconscious actors ; with a drama run,
And act a part, but for a plot unknown.
We see their shapes, we feel ten thousand things,
We reason, act, and sport on fancy's wings ;
While yet this agent, this percipient lies,
Hid from itself and puzzles all the wise.
In vain we seek, inverted eyes are blind,
And nature form'd, no mirror for the mind.
Like some close cell, whence art excludes the day,
Save what thro' optics darts its pencil'd ray,
And paints the lively landscape to the sight,
While yet the room itself is veil'd in night ;
Nor can you find, with all your boasted art,
The curious touch, that bids the salient heart,
Send its warm purple round the venal maze,
To fill each nerve with life, with bloom the face.
How o'er the heart, the numbing palsies creep,
To chill the carcass to eternal sleep.
'Tis ours to improve this life, not ours to know,
From whence this meteor, when or where
 'twill go :
As o'er a fen, when heav'n's involv'd in night,
An ignis fatuus waves its new born light ;
Now up, now down, the mimic taper plays,
As varying auster puffs the trembling blaze,
Soon the light fantom spends its magic store,
Dies into darkness and is seen no more :
Thus run our changes : but in this secure,
Heav'n trusts no mortal's fortune in his pow'r ;
Nor hears the prayers impertinent we send,
To alter fate, and providence to mend.
As well in judgment as in mercy kind,
God hath for both the fittest date design'd.

The wise on death, the fools on life depend,
From toils and pains, some sweet reverse to find,
Scheme after scheme the dupe successive tries,
And never gains, but hopes to gain the prize ;
From the delusion, still he ne'er will wake,
But dream of bliss and live on the mistake :
Thus Tantalus, in spite the furies plac'd,
Tortur'd and charm'd to wish, and yet accurs'd
In every wish, infatuate, dreads lest Jove
Should move him from the torments of his love ;
To see the tempting fruit and stream no more,
And trust his maker in some unknown shore.
Death buries all diseases in the grave,
And gives us freedom from each fool and knave ;
To worlds unknown, it kindly wafts us o'er,
Come death ! my guide ! I'm raptur'd to explore.

For the ROYAL AMERICAN MAGAZINE.

Occasioned by hearing a LADY make some OBSERVATIONS on the Instability of HUMAN HAPPINESS.

Addressed to a Friend.

OFT have I heard thee, gentle friend complain,
That virtue long had bid the croud farewell ;
That nought prevail'd but vanity and gain,
And all below in gay confusion dwell.
The thoughts now rescu'd from the cares of day,
Thro' the wide realms of space unfeeter'd rove ;
Sweet contemplation, with an heav'n born ray,
Glads the lone passage as we homeward move.
No gloomy clouds obscure the vaulted skies,
Nor howling wind, nor rushing tempest blows,
Night's sable veil before the moon-light flies,
And soul mouth'd scand'l seeks its own repose.
Come while these solemn peaceful scenes invite,
Let us survey creation's ample round :
And as we walk, in amity unite,
To trace the path where happiness is found.
Doth it amidst the gay assemblies dwell,
Where midnight joys, in live long revels rove ?
Or hid beneath the rustic's lowly cell,
Or humbly seek the dark sequester'd grove.
Are they most blest whom fortune's hand sustains ?
Malice and envy oft on grandeur wait : (tains ?
The treach'rous smile conceals some inward pains,
And wayward cares attend the rich and great.
Can beauty's charms repel affliction's dart,
Or shield the pensive bosom from despair ?
Can sounding titles happiness impart,
Or banish sorrow or perplexing care ?
Can sprightly wit, or graver learning ease,
A conscious mind oppress'd with guilt's keen pow'r ?
Can swift wing'd fame, the grief rent heart appease,
Or give to misery one tranquil hour ?
Ah no ! in these, no happiness is found ;
But in the breast, where truth and virtue smiles ;
"Where constant faith" and charity abound,
"And holy hope," each anxious thought beguiles.

May

May virtue's guardian still protect my friend !
Reign in thy heart, and o'er thy dwelling stay ;
May her fair beams thy ev'ry step attend,
And safe conduct thee, to eternal day.

ANSWER to the REBUS in No. 2.

MY friend I will presume to tell,
The place where lonely shepherds dwell :
It is a hut I think you mean,
Which by your Rebus may be seen ;

And that which with peculiar grace,
Composes part of Cælia's face,
And tempts to love or tempts to sin,
Is her unequal'd dimpled chin.
What to a lawful wedded pair,
Is more delightful than an heir,
And that fine heir a darling son,
For both to fawn and doat upon ?
These join'd together will disclose
The author of our public woes.

J. V.

Historical Chronicle, February, 1774.

General HISTORY of AMERICA, for MARCH, 1774.

THE Ship with the East-India Company's Tea, for New-York, having been blown off the coast, arrived at Antigua : It is said the master of this ship has wrote to a merchant in New-York, to whom the tea is consigned, to provide the necessary supplies of stores and provisions for him, in case the people will not suffer the tea to be landed on his arrival there, that he may immediately return with it to England. Twenty-eight chests and one half chest of tea, being private property, were imported in a Brigantine from London, but as the people in Boston had resolved against the importation of any teas subject to a duty, application was made by the gentlemen to whom the greater part of it was consigned, to have it returned to England, but as this would by no means be complied with by the custom-house officers, it fell a prey to a number of men, in Indian habits, who emptied the whole of it into the sea on the seventh of this month. The news of the destruction of the East-India company's tea, in this place, was received in England, when our last advices came away, and the ship with the aforesaid company's tea on board, had arrived there from Philadelphia ; no material remarks have as yet been received with regard to this affair, from England. Affairs in South-Carolina and Georgia bear another aspect ; and by the latest accounts from thence the difference between the English inhabitants and the Indians is likely to be accommodated, and in all probability peace will continue among them. A plan is now set on foot for removing the post-office in America, constituted by an act of the British parliament, and setting up another in its room to be regulated by subscribers thro' the different provinces on this continent : This plan originated in Maryland, is well received in Massachusetts-Bay, and is said will be adopted by the colonies. The affair of burning the hospital on Cat-Island, made great disturbances in the towns of Salem and Marblehead ; two men being taken up at Marblehead and committed to goal in Salem on suspicion of setting fire to said hospital, were rescued from thence by a body of four or five hundred men from Marblehead ; upon which the High Sheriff of the County ordered the inhabitants of the town of Salem to assemble with arms, &c. to assist him in retaining the prisoners, and those more particularly concerned in their rescue ; the inhabitants of Marblehead assembled at the same time, and were determined to repel any force brought against them to the last extremity ; bloodshed undoubtedly would have ensued had it not been for the interposition of a number of respectable gentlemen, who happily effected a compromise, and every thing is now quiet. Admiral Perry has taken possession of Crab-Island, in the West-Indies, which the Spaniards laid claim to, this it is thought will make a considerable noise in Europe, especially as thirty English inhabitants left there by the Admiral, were after his departure most inhumanly murdered by the Spaniards.

Marblehead, March 19, 1774.

Mr. THOMAS,

IN your Magazine for February you mention the burning of the Essex Hospital, and assign a very extraordinary reason for that cruel transaction, viz. " The apprehensions the people were under, that the physicians and patients had a design to spread the Small-Pox in that place." As justice is due to all men, you should therefore, to prevent any unfavourable thoughts of the physician, inform the public that the report is entirely groundless : And that while the

Small-Pox was at Cat-island the physician left the hospital but three times, and went immediately into a family that had not had the disorder, and no accident happened to them ; nor have the most sanguine opposers of the hospital even hinted the most distant suspicion of any dishonourable or unworthy design in him, but his conduct has been the reverse in every respect to any thing that might raise in the minds of the people any suspicions of so infamous a nature, or justify the malice of such a report.

A Marblehead Customer.

Domestic

THURSDAY, February 24.

Tuesday last his Excellency the Governor was pleased to send the following Message to the Honourable House of Representatives.

Gentlemen of the House of Representatives,

IN my answer to your address or remonstrance which you directed the Secretary to deliver to me, I acquainted you that to comply with your request would be to counteract the King in a matter upon which his Majesty's pleasure had been expressly signified to me, and, therefore I was obliged to decline it.

In a second address, presented by your Speaker, the House attending, you desire me to take your remonstrance into my further consideration, and also to take the advice of his Majesty's council thereon, of whose institution you say it was the principal end to be advising and assisting to the Governor in ordering and directing the affairs of the province, and you add, that my determining on the matter myself would be to order and direct one of the most important affairs of the province without the advice and assistance of the council, and contrary to the most evident design of the Charter.

You have taken particular parts or clauses of the Charter abstracted from other parts or clauses which relate to them, and which are intended to qualify and explain them, and in this way you are enabled to represent the constitution very different from what it has always been understood to be.

You have passed over that clause in the Charter which authorizes the Governor to assemble and call together the Council from time to time *at his discretion*, and likewise another clause reserving a negative voice to the Governor as well in council as in the general assembly, and declaring that no acts of government whatsoever, either of the council or assembly shall be valid without his consent.

I am very sensible that besides those acts of Government which the charter authorizes the Governor to do by himself, there are others which are to be done by the advice and consent of the Council; and, for the purpose of the last mentioned acts, the Governor is authorized, from time to time, *at his discretion*, to assemble the council, and no other provision is made in the charter for assembling or calling them together. It cannot be denied that the Governor may be requested to assemble the Council in order to the laying before them matters of such a nature, as that merely agitating them in Council, would derogate from the honour of the King, and suffering a question to be put upon them would render the Governor highly culpable. Surely the Governor has a discretionary power to refuse to assemble the council upon such a request, otherwise the clause in the charter must be altogether nugatory and can have no force nor effect in any case whatsoever.

There is a fallacy in your reasoning, and you

give a specious appearance to it by avoiding the distinction between the Governor's doing an act of government without the advice of Council and his declining to assemble the council in order to their advice upon an act the subject matter whereof, *according to his best discretion*, ought not to be made a question of or come into debate.

That I may give you a full and, I hope, satisfactory answer to your address I must repeat to you, what I have had occasion to mention to former houses of Representatives,—that I am the servant of the King—that I have received no instructions nor any significations of his Majesty's pleasure which are not perfectly consistent with your Charter, and which his Majesty hath not an indisputable authority to give—that such instructions and significations of his Majesty's pleasure are by my commission, the rule of my administration, and to depart from them would be a breach of the trust which his Majesty has reposed in me.

I am nevertheless urged by you to bring this question, in effect, before his Majesty's council, whether I shall or shall not conform to his Majesty's pleasure expressly signified to me, and to take their advice upon it. Taking the advice of his Majesty's council, is an equivocal expression. If by taking the advice, you intend no more than consulting or advising with them, in order to collect their opinions, this would be trifling with the council, as well as bringing before them an improper subject of debate, because they would give their advice to no purpose, seeing I am not at liberty, if they advise to it, to disobey the King's commands: If by taking their advice you intend complying with it, though it should be contrary to my own sense of my duty to the King, this would be giving up the power of a negative granted or reserved to me by the Charter; for if I do not use this power to avoid a breach of a special express trust reposed in me by the King, I know of no case in which I ought to do it. In either sense of the word I am not at liberty to comply with your request.

In a mixed government, a conformity of sentiment in all the parts of it, upon every measure, is not to be expected. Every part may, notwithstanding, claim a right to freedom of judgment in the exercise of the powers assigned to it by the constitution. The house of Representatives, by long usage, is in possession of the power of originating all grants of the estate of the province, whether in lands or money. I have often thought the grants made by former houses much short of an equivalent to the services which they were intended to compensate. I have never urged enlarging them contrary to the free judgment of the house. The power of assembling the council in order to their advice, is by Charter as well as uninterrupted usage, in the Governor. I have a right to equal freedom of judgment in the exercise of this power.

If I persist in an erroneous judgment, upon your humble representations to his Majesty and making the error to appear, you may be sure of redress; but until I am convinced of my error I may not voluntarily depart from my own judgment or discretion and govern myself by the discretion of the House of Representatives, for I should then be justly chargeable with subverting a material part of the constitution.

T. HUTCHINSON.

Council-Chamber, February 22d, 1774.

MONDAY, March 7.

Province of MASSACHUSETTS-BAY.

ARTICLES of Impeachment of high crimes and misdemeanors against PETER OLIVER, Esq; Chief Justice of the Superior Court of Judicature, Court of Assize and General Goal Delivery over this province, by the House of REPRESENTATIVES, in General Court assembled, in their own name, and in the name of all the inhabitants of this province, February 24, 1774.

WHEREAS their late Majesties King William and Queen Mary of glorious memory, from their great regard to the English constitution, and earnest desire to establish the same in this his Majesty's province, did by their charter made and granted in the third year of their reign, establish and ordain, that all and every of the subjects of them their heirs and successors, which should come to, and inhabit within this province and territory, and every of their children which should happen to be born there, or on the seas in coming hither or returning from hence, should have and enjoy all liberties and immunities of free and natural subjects within any of the dominions of them their heirs and successors, to all intents, constructions and purposes whatever, as if they and every of them were born within the realm of England.

And in the said charter it is further granted and ordained, that the great and General Court or Assembly of the province, which is before established in the same charter, shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, for the hearing, trying and determining of all manner of crimes, &c.

And the said General Court or Assembly hath by the same charter, full power and authority to impose and levy proportionable and reasonable assessments, rates and taxes, upon the estates and persons of all and every the proprietors and inhabitants of the province, for his Majesty's service in the necessary defence and support of his Majesty's government of the province, and the protection and preservation of the inhabitants thereof: To the intent that the inhabitants of this his Majesty's province might always have and enjoy that essential privilege of the English constitution, of supporting the executive and judicial officers in the government of this province by THE FREE GRANTS OF THE PEOPLE.

And whereas the Great and General Court or Assembly of this province, in pursuance of the

power and authority granted as aforesaid, and of the good intention thereof, have uninterruptedly and exclusively from the granting of the said charter, made provision by their own grants for the support of his Majesty's said Superior Court: But many evil-minded persons, not regarding the said charter nor the good intentions of the same, have of late years combined and conspired together to put divers constructions on the said charter wholly inconsistent with the aforesaid manifest intent and purpose of the same, and destructive of English liberties; and to introduce and establish another form of government, and a new mode of supporting the executive and judicial officers of the government. For which intent they did by false representations, procure to be made and passed by the parliament of Great-Britain, an act for the establishment of a revenue to be levied in America, and appropriated among other things for the defraying of the charges of the administration of justice in such colonies where his Majesty should judge proper; and also by false representations and evil advice, have procured the royal grant of large sums of money, to be paid annually out of the said revenue, to the Justices of the said Superior Court; by the establishment of which the said Justices of the said Superior Court would be alienated from any connection with the people of this province, for whose benefit they are and ought to be appointed and would be indebted to his Majesty for his grants made to them for their services; and by means thereof become subject to the influence and direction of his Majesty's ministers of state, in matters appertaining to the distribution of justice in this province: whereby a foundation will be laid of a union of the department of the judicial powers here, with that of the King's ministers of state in Great-Britain, than which nothing is more to be dreaded by a free people.

And whereas Peter Oliver, Esq; chief Justice of the Superior Court of Judicature, Court of Assize and General Goal Delivery over this Province, a court wholly erected and constituted by the Great and General Court or Assembly by a power granted to the said General Court by the clause in said charter aforesaid, well knowing the premises but not regarding the same, with design to subvert the constitution of this province as established by the said royal charter, and to introduce into the said court a partial arbitrary and corrupt administration of justice, declining to take and receive any more the grants of the General Assembly of this province, did on or about the tenth day of January, 1774, at Boston, in the county of Suffolk, take and receive and resolve for the future to take and receive, from his Majesty's ministers and servants, a grant or salary for his services as chief justice of the said Superior Court, against his own knowledge of the said charter, and of the way and manner prescribed therein for the support of his Majesty's government in the province, and contrary to uninterrupted and approved usage and custom since the erecting and constituting of the said court.--- And the said Peter Oliver, Esq; continues in the said

said resolution so to do, against the opinion and conduct of the other judges of the said court, each of whom has declared respecting himself, his resolution to the contrary. And whereas the unmerited sum of four hundred pounds sterling granted by his Majesty and annually to be paid to the said Peter Oliver, Esq; for his services as Chief Justice of the said Superior Court, together with the hopes of its augmentation, if he is still suffered to continue in his said office, cannot fail to have the effect of a continual bribe in his judicial proceedings, and expose him to a violation of his oath. And by his accepting and receiving the said sum, he hath betrayed the corruption and baseness of his heart, and the sordid lust of covetousness: In breach of his engagements to rely solely upon the grants of the general assembly, necessarily implied and involved in his accepting said office.---

And the said Peter Oliver, Esq; by his taking and receiving the said grant out of the revenue unjustly levied and extorted from the inhabitants of the American colonies, hath as far forth as lay in his power, put a sanction on and established the said revenue, which is a most destructive infraction of the constitution of this province, and a violation of the natural and most essential rights of the people,---the exclusive right of giving, granting and appropriating their own property, and of judging of the merits of their own servants, And hath counteracted the reasonable petitions of the representatives of the people to his Majesty, and other their constitutional endeavours to obtain the redress of this grievance.

And the said Peter Oliver, Esq; by his conduct as aforesaid, in defiance and contempt of the known sense of the body of this people, expressly and repeatedly declared and published by their representatives and otherwise, hath wickedly and perversely endeavoured to continue and increase the discontent and jealousies of this people, and the grievance aforementioned, at a time when there is ground to hope that his Majesty, if not otherwise determined by the said conduct of the said Peter Oliver, Esq; and the continued false representations of others, will be graciously pleased to revoke said grant, and order a full redress.

And the said Peter Oliver, Esq; did on the eighth day of February instant, direct and cause to be delivered to this House a writing under his own hand, dated Middleborough, February 3 1774, the tenor of which writing is in the words and figures following, viz.

"To the Honourable the House of Representatives, in General Court convened February 1774.

"May it please your Honours,

"ON the second instant I received the Resolves of the Honourable House of the first instant, requiring me to declare whether I had received in full of the grants of the general Assembly made to me the last year, and to declare explicitly whether I would for the future accept the Grants of the General Assembly of this province as a Justice of the Superior Court, without accepting any grant from the Crown for my service as a justice of said Court. Permit me, May it please your Honours!

to state the circumstances of my case, as a Justice of the Superior Court.

"In the year 1756 I was appointed as a Justice of that Court, and accepted the office contrary to my own inclination, but by the persuasion of gentlemen who were then members of the General Assembly. In this office I have continued for above seventeen years; and I hope your Honours will excuse me if I say, that I was never yet conscious that I had ever been guilty of any violations of the laws of my country in a judicial capacity, but have always endeavored to act with that fidelity required in so important a character; and with this sentiment I doubt not of ever consoling myself in the approbation of my own mind.

"During these seventeen years I have annually felt the great inconveniences of serving in my judicial office, by suffering in my private business and not having a salary which would any way support my family, which was large, and I cannot charge myself with any degree of extravagance in the support of it: And I wish I may not have been too parsimonious for the dignity of the province, in my judicial character.

"May it please your Honours,

"I can with the strictest truth assert, that I have suffered, since I have been upon the bench of the Superior Court, in the loss of my business and not having sufficient to maintain my family from my salaries, above THREE THOUSAND POUNDS STERLING! I have repeatedly thrown myself on former assemblies for relief, but never have obtained any redress: I have repeatedly attempted to resign my office, but have been dissuaded from it, by respectable gentlemen of former assemblies, who encouraged me with hopes of a support, but I never received any relief in that way.

"When his Majesty, of his great goodness and favour granted me a salary (as he did to several others on the continent in my station) it was without any application of mine; and when it was granted, I thought it my incumbent duty, from the respect and gratitude which I owed to his Majesty: From a sense of that fidelity which I owed to my country, by being enabled to discharge the duty of my office in being less embarrassed in my mind whilst in the execution of it, and being more at liberty to qualify myself for the duties of it in vacation time: As also from a principle of justice due to my family and to others: On these accounts, and not from any avaritious views, I was obliged to take his Majesty's grant from the 5th of July 1772, to 5th of January 1774, and have taken the grant of the province only until July 1772.

"These considerations, may it please your Honours! urged me to take his Majesty's grant; and I cannot but hope that the candour of the Honourable House of Representatives will excuse me in so doing, as what proceeded from necessity and not avarice or the least disregard to the sentiments of the honourable house.

"May it please your Honours!

"With respect to my not taking any future grant from his Majesty; permit me to say, that without his Majesty's leave I dare not refuse it,

left

lest I should incur a censure from the best of sovereigns. And as the tenor of the grant is during my residence in the province as Chief Justice, I receive it as during good behaviour, which in my opinion preserves me from any undue bias in the execution of my office.

"I am with the most profound respect
For the Honourable House of Representatives,
Their most obedient humble servant,
PETER OLIVER.

"Middleborough, Feb. 3, 1774."

In which writing the said Peter Oliver, Esq; hath ungratefully, falsely and maliciously laboured to lay imputation and scandal upon His Majesty's government, insolently and contemptuously insinuating that by the parsimony, injustice and ingratitude of the said government, in withholding from him an adequate and due reward for his services as a justice of the said superior court, he hath been greatly impoverished, and that therefore he was obliged to take his Majesty's grant from a principle of justice due to his family and others. Whereas in fact, the rewards granted to him by this government, were always fully equal to the merit of his services as a justice of the said Court; as it is well known that the said Peter Oliver, Esq; before his advancement to a seat in the Superior Court, had been usually employed in the business of trade, husbandry, and manufactures, to which he had applied his mind. And that he was appointed to said office without previous education and regular study in the law.

And the said Peter Oliver, Esq; by his conduct as aforesaid, hath misrepresented and traduced this government, and endeavoured to alienate the hearts of his Majesty's liege people of this province from his Majesty, and set a division between them, to introduce into said court a partial and corrupt administration of justice, destroy the present form of government in this province, and establish an arbitrary and tyrannical government in its stead.

Wherefore this house of Representatives, in their own name, and in the name of all the inhabitants of this province, DO IMPEACH THE SAID PETER OLIVER, Esq; of the high crimes and misdemeanors aforesaid. And saving to themselves by protestation the liberty of exhibiting, at any time hereafter, to the Governor and Council, or to the Council only, to any complaints or allegations against the said Peter Oliver, Esq; for any incompetency, incapacity, or disability for the execution of his high office; or any other accusation or impeachment against the said Peter Oliver, Esq; for any other crimes and misdemeanours by him done and committed. Also of replying to the answer which the said Peter Oliver, Esq; shall make to the said articles, or any of them; and of offering proof of the premises, or any of their impeachments, accusations and complaints that shall be exhibited by them; as the case shall require. They pray that the said Peter Oliver, Esq; Chief Justice of the Superior Court of Judicature, Court of Assize and General Goal Delivery over this whole province, may be put to answer to all and every of the premises; and that such proceedings, examinations,

trials and judgments may be had and ordered thereon, as may be agreeable to law and justice.

The House having previous to the carrying up the Impeachment, acquainted the Governor of their Resolution and desired he would then be in the Chair; his Excellency was pleased to send them the following Message, viz.

"Gentlemen of the House of Representatives,

"BY your Message of yesterday, you informed me that you had resolved to impeach Peter Oliver, Esq; Chief Justice of the Superior Court, &c. before the Governor and Council of high crimes and misdemeanors, and that you had prepared the articles of impeachment, and you prayed that I would be in the Chair that you might then have an opportunity of laying them before the Governor and Council.

"I know of no species of high crimes and misdemeanors nor any offence against the law committed within this province, let the rank or condition of the offender be what it may, which is not cognizable by some judicatory or judicatories, and I do not know that the Governor and Council have a concurrent jurisdiction with any judicatory in criminal cases, or any authority to try and determine any species of high crimes and misdemeanors whatsoever.

"If I should assume a jurisdiction, and with the Council try offenders against the law without authority granted by the Charter or by a law of the province in pursuance of the Charter, I should make myself liable to answer before a judicatory which would have cognizance of my offence, and his Majesty's subjects would have just cause to complain of being deprived of a trial by jury, the general claim of Englishmen except in those cases where the law may have made special provision to the contrary.

"Whilst such process as you have attempted to commence shall appear to me to be unconstitutional, I cannot shew any countenance to it.

T. HUTCHINSON."

"Milton, 26, Feb. 1774.

"The House upon consideration of this Message, wherein it plainly appears to be the opinion of the Governor, that the Governor and Council are not a Court competent for the trial of high crimes and misdemeanors, done and committed by an officer of their own appointment, and being resolved to take every method for the removal of the Chief Justice, did afterwards send up to the Governor and Council the same articles with an introduction and conclusion in a different form from the other; by no means however retracting their Impeachment, or their original address for the removal of the Chief Justice: In order that the matter might be taken up by the Governor and Council in which way soever to them it should seem meet."

The introduction is in the following words, viz.

"In the House of Representatives, March 1.

"WHEREAS this House did on the twelfth day of February last, address his Excellency the Governor and Council, for the removal of Peter Oliver, Esq; Chief Justice of his

his Majesty's Superior Court of Judicature, Court of Assize and General Goal Delivery over this whole province, for certain reasons therein set forth, and did afterwards address the Governor, praying that he would further consider the said former address for the removal of the said Chief Justice, and that he would take the advice of the Council thereon: And his Excellency did utterly refuse to comply with the request of the House, and lay the same before the Council for advice:

"And whereas this House did also on the 24th day of February proceed to impeach the said Peter Oliver, Esq; of certain high crimes and misdemeanors, before the Governor and Council, a Court competent in the opinion of this House, for the trial of the same, to the intent of the determining the necessity of the removal of the said Peter Oliver, Esq; from his said office: But his Excellency hath in his Message of the 26th of February declared, that "whilst such process as this House has attempted to commence, appears to him to be unconstitutional, he cannot shew any countenance to it." Therefore, to prevent any doubts or delays, or advantages being taken—on account of the mere informality of any of our former proceedings, this House hath thought proper to exhibit the same articles of charge and complaint against the said Peter Oliver, Esq; in such forms as will remove all colour or pretence of exception, viz.

"Province of Massachusetts-Bay.

"To His Excellency THOMAS HUTCHINSON, Esq; Governor and Commander in Chief in and over his Majesty's province of the Massachusetts-Bay, and to the Honourable his Majesty's Council.

"ARTICLES of high crimes and misdemeanors offered and presented to his Excellency the said Governor, and to the honourable his Majesty's said Council, against Peter Oliver, Esq; Chief Justice of the superior court of judicature, court of assize and general goal delivery over this whole province, this first Day of March Anno Domini 1774, and the fourteenth year of his Majesty's reign."

[Here the articles were brought in totidem verbis, as they stood in the impeachment, and the conclusion was as follows, viz.,]

"ALL which matters contained in the foregoing articles, the House of Representatives are ready to verify and prove. They therefore pray in their own name, and in the name of all the inhabitants of this province, that the Governor and Council would give orders, that the said Peter Oliver, Esq; may be notified to make answer to the charges contained in the foregoing articles, and be brought to a hearing and trial thereon; and if he be found guilty thereof, he may by the Governor and Council, be forthwith removed from his said office, and some other more worthy be nominated and appointed in his stead.

Sent up by Mr. Adams, Colonel Bowers, Mr. Phillips, Mr. Hancock, Mr. Pickens, Mr.

Paine, Colonel Thayer, Captain Heath, and Captain Greenleaf.

There were 78 Members present in the House; and the division was 71 to 7.

N. B. Forty Members make a quorum of the house.

Thursday last his Excellency the Governor sent the following Message to the Council, viz.

"Gentlemen of the Council,

"YOU acquaint me, in your message of the 28th of the last month, that the House of Representatives, in their own name, and in the name of the inhabitants of this province, by a Committee, had impeached Peter Oliver, Esq; Chief Justice of the Superior Court, of high Crimes and Misdemeanors, and had laid on the Council table articles of Impeachment against the said Peter Oliver, Esq; and prayed that the Governor and the Council would appoint a time to proceed with, try, and judge the said Peter Oliver, Esq; as may be agreeable to law and justice; and you, thereupon, pray that I will be pleased to inform you when I will be present with the Council, to proceed upon this business.

The House of Representatives having by a message to me, desired that I would be present, in Council, that they might have an opportunity of laying articles of impeachment which they had prepared against the Chief Justice, for high Crimes and Misdemeanors before the Governor and Council, I declined complying with the request, for reasons which I thought proper to give in a message to the House; and this message was first communicated to you, agreeable to my uninterrupted practice, that you may be acquainted with every thing which passes from me to the House. You seem, nevertheless, to consider my being present in Council, to proceed with you upon a trial for high Crimes and Misdemeanors, as a meer matter of course.

You have made it necessary for me to give you my sense of the powers of the Governor and Council as they stand related to each other, that you may know upon what principles I have governed my past, and must govern my future conduct:—Except in cases of wills and administration, and marriage and divorce, the Governor and Council have no jurisdiction, either civil or criminal, as a Court of Judicature, and the assuming the powers of such a court, without authority derived from the Crown, will undoubtedly be considered as an offence against his Majesty's prerogative. In those judicial proceedings, the Governor is a necessary though not an integral part. The Council, except in a judiciary capacity or as a branch of the legislature, are, by the constitution, to be advising and assisting to the Governor, and are to be convened for that purpose, from time to time, at the discretion of the Governor, and not by their own act nor by any other authority whatsoever. I have never thought myself warranted to do, or to attempt to do, any act of government by myself alone, where the advice and assistance of the Council is, by the charter

was made necessary. In all cases where acts have been expedient, and also where it has been doubtful whether they were or were not expedient, I have convened the Council in order to their advice and assistance: But when any act has been suggested to be necessary which would counteract and tend to defeat the acts and doings of the King, or which would be in any other respect contrary to the duty which I owe to the King, I have not thought it consistent with discretion to convene the Council to ask their advice, whether I should or should not do such an act, seeing, I dare not do it although they should advise to it. Indeed an act may be suggested of such a nature that it would be an indignity to the King to propose a question upon it.

T. HUTCHINSON.

Milton, March 3, 1774.

In COUNCIL, March 4, 1774.

ORDERED, That William Brattle, Caleb Cushing, and Samuel Phillips, Esqrs. be a Committee to wait on his Excellency the Governor with the following message, viz.

" May it please your Excellency,

" SINCE the message which the board sent to your Excellency on the 28th of the last month, to acquaint you, that the House of Representatives had impeached Peter Oliver, Esq; Chief Justice of the Superior Court, of high Crimes and Misdemeanors; and had laid on the Council table articles of Impeachment against him, and prayed that the Governor and the Council would appoint a time to proceed with, examine, try and judge the said Peter Oliver, Esq; as may be agreeable to law and justice; the House of Representatives have laid upon the Council table articles of charge and complaint against the said Peter Oliver, Esq; and pray that the Governor and Council would give order that the said Peter Oliver, Esq; may be notified to make answer to the charges contained in the foregoing articles and be brought to a hearing and trial thereon: That if he should be found guilty thereof, he may, by the Governor and Council, be forthwith removed from his said office, and some other more worthy be nominated and appointed in his stead.

Those articles of charge and complaint the board directed the Secretary to lay before your Excellency, together with the articles of Impeachment aforesaid, and the Secretary informs the Board that he has done it accordingly. In your message of yesterday, your Excellency has declined joining with the Board, in any proceedings with relation to the articles of impeachment, but have not signified your mind with respect to the last mentioned articles of charge and complaint. The Board therefore desire your Excellency would be pleased to inform them, what your determination is with regard to those articles of charge and complaint."

THURSDAY, March 10.

Saturday last being the anniversary of the 5th of March, upon which day, agreeable to a Vote of the town last year, a meeting was duly notified, and accordingly met at Faneuil-Hall, at

ten o'clock in the forenoon; and after choosing Mr. SAMUEL ADAMS Moderator, they adjourned to the Old South Meeting-House, where, after the Moderator mentioned the occasion of there thus assembling, The Hon. JOHN HANCOCK, Esq; delivered an ORATION on the dangerous tendency of standing Armies being placed in free and populous Cities, and to perpetuate the memory of the horrid Massacre on the evening of the fifth of March, 1770, by a party of Soldiers under the command of Capt. Thomas Preston, belonging to the 29th regiment.—At this meeting a vast concourse of people attended to hear the Oration, which lasted about three quarters of an hour, and was received with universal approbation.

After it was delivered, a committee was appointed to return the Orator the thanks of the town, and also to request a copy for the press:—Another person to pronounce the ORATION at the next Anniversary; after which the meeting was dissolved.

At the breaking up of the meeting, a very generous collection was made for the poor unfortunate Christopher Monk, now about twenty one years of age, (then present and on whose piteous condition Mr. Hancock very affectionately addressed the audience) who was thought to be mortally wounded on the fatal evening of the Massacre, but yet remains a shocking monument of that horrid transaction.

Last Monday evening the horrid tragedy of the 5th of March was observed with the usual solemnity by a select number of the friends of constitutional liberty, who met at Mrs. Clapham's, in King-street, and exhibited to public view, a portrait of that inhuman and cruel massacre, which was perpetrated near that spot on the fifth of March, 1770, over whose heads was inscribed, *the fatal effects of a standing army being posted in a free city*: On the right, a figure of America pointing to her slaughtered sons, with this label, *behold my sons!* on the left, a monument to the memory of Gray, Maverick, Caldwell, Carr and Attucks, the slaughtered citizens on that fatal night: In one of the windows was exhibited about twenty lines of poetry very applicable to the occasion: In another window was a representation of H——n and J——e O——r, in the horrors, upon the appearance of the two ghosts of Empson and Dudley, advising them to think of their fate: They appeared to be worshipping two bags of gold, one marked 1500l. the other 400l. sterling, per annum.—Underneath, were these lines,——

Ye traitors! " is there not some chosen curse,
Some hidden thunder in the stores of heaven,
Red with uncommon wrath, to blast the men
Who owe their greatness to their country's ruin!"

At about half after nine o'clock, most of the bells in town began to toll, and continued till ten, when the paintings were taken in, and the company retired to their respective places of abode.

In COUNCIL, March 7th, 1774.

ORDERED, That James Bowdoin, Samuel Dexter, James Humphry, Artemas Ward, and John Winthrop, Esqrs. be a committee to wait on his Excellency the Governor with the following ADDRESS.

"May it please your Excellency,

"YOUR Message of the 3d instant to this Board relative to the Chief Justice of the Superior Court, and your several Messages to the House of Representatives relative also to him (which with other papers the House by Message have laid before the Board for their consideration) are on a subject of great importance. They contain declarations from your Excellency which we think do not comport with the spirit of the Charter, and tend to take away or lessen the jurisdiction of the Governor and Council, considered as a judiciary body or court of justice, and therefore it is incumbent on this Board in faithfulness to the province, and in justice to themselves, to take notice of some of them.

Among those papers we find a copy of the Remonstrance of the House addressed to your Excellency and the Council, and your Excellency's answer to it. By the former they pray for the removal of the Chief Justice from his office, and by the latter you declare, that in duty to the King you are obliged to decline their request; and you are pleased repeatedly to decline it on their repeated applications.

"But before your Excellency had proceeded thus far, was it not proper, as the Remonstrance is addressed to the Council in conjunction with your Excellency, that it should have been communicated to them for their consideration of it? Is not your undertaking to determine solely on a matter that falls under the cognizance of the Governor and Council jointly, and is so addressed to them by the House, an unkind and disrespectful treatment of the representative body of the province, and an infringement on the rights of the Council? Or rather does it not annihilate the Council, considered either in their capacity of being advising and assisting to the Governor, or as a court of justice with, or without the Governor? And being done under a profession of duty to the King, does it not tend to alienate the affections of his Majesty's subjects from him? Though such be the tendency, such an effect will not flow from it. If it had been communicated to the Board, they assure your Excellency they would not have done any thing concerning it inconsistent with their duty to the King, notwithstanding any indirect or constructive intimation to the contrary.

Your Excellency's apprehension, that your taking any steps in this business would be counteracting his Majesty, and inconsistent with your duty to him, is founded on the facts mentioned in this clause in your first Message to the House, viz. "His Majesty having been pleased to direct warrants to be prepared for the payment of salaries to the Chief Justice, and to the other Justices of the Superior court, I received as Co-

vornor of the province the earliest notice of this declaration of his Majesty's pleasure, in order as I conceive that, as far as might appertain to me, I should conform thereto."—This notice (that warrants were directed to be prepared) which appears to be intended only as an article of intelligence, your Excellency, by this and your other Messages on the same subject, construes as an instruction obliging you, not to do any thing to prevent the effect of those warrants, or inconsistent with the intention of them. But what room is there for such a construction, or to suppose you were under such an obligation, when the Justices themselves (at least four of them) whom this affair immediately respected, thought themselves not obliged to take his Majesty's grant, but at liberty to refuse it, and accordingly have refused it from July 1772 (when their stipends were to commence) to the present time, and very lately in the fullest and most explicit manner? As in their refusal, which was a more effectual counteracting the intention of those warrants than any thing your Excellency could do, those gentlemen did not think they acted inconsistently with their duty to his Majesty, why should your Excellency think your laying before the Council the Remonstrance of the House inconsistent with your duty to him? Especially when your duty to the province, with which your duty to the King cannot militate, required it.

But supposing the notice of those warrants implied an instruction, or had been accompanied with an instruction, that you should do nothing directly or indirectly inconsistent with the intention of them, why should it operate to prevent your Excellency's even hearing the Remonstrance, and not operate to prevent your consenting to and signing the grants made by the assembly, not only to those four justices, but also to the chief justice, for their services during the same time, for which those warrants were intended to pay them; and for which, by virtue of one of those warrants, the chief justice has in fact been paid? Does not this give room for the apprehension, that your Excellency was not influenced solely by a sense of duty to the King, in refusing to lay before the Board the Remonstrance of the House?

The reasons why it was not laid before them seem to be given in that paragraph of your Message to the House, wherein you are pleased to tell them "that the Council, except when they are considered in their legislative capacity, or as a court for the probate of wills and granting administration, and for determining causes of marriage and divorce, are by the constitution to be advising and assisting to the governor, and do not make one Court or judiciary body with the governor, but the governor is considered as an integral part, and has authority from time to time at his discretion to assemble and call the Council together."—We shall presently consider whether there be not other cases than those here mentioned by your Excellency, in which the Council make one court or judiciary body with

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the Governor, and in which the Governor is not to be considered as an integral part; but first beg leave to make a few observations on another part of the foregoing paragraph.

We agree with your Excellency, that the Council by the constitution are to be advising and assisting to the Governor. The Governor also with them, or seven of them at the least, shall and may from time to time hold and keep a council for the ordering and directing the affairs of the province. But we humbly ask, what advantages would be derived to the province from this part of the constitution, if the Governor, even in the most important cases, should refuse to hold a council, wherein he might be advised and assisted; and wherein also the Governor with the Council jointly, according to the nature of the case, might take the needful measures for the ordering (that is the well ordering) and directing the affairs of the province?—These clauses of the Charter were doubtless intended for some beneficial purpose. They were intended more effectually to secure to the province a permanent good government, not subject to the will and caprice of a Governor: who, left to act wholly independent of a council, might bring upon the province the greatest mischiefs. Happy it was for the province, that the late Governor Sir Francis Bernard was not thus independent! But the benefits intended by the appointment of a council would be defeated, if the Governor should not call them together when affairs of the greatest importance to the province demanded it; and indeed this would frustrate the end of their appointment in every capacity in which they cannot act without him. To apply this to the subject of the Remonstrance, and to all cases, in which complaint is made to the Governor and Council against officers of their appointment,—It appears to us, that when complaint is thus made, and the Governor refuses or neglects to lay it before the council, he thereby counteracts the spirit and intention of the charter, which the honour and faith of the crown are pledged to maintain, and gives just reason for uneasiness.

We shall pass over the intermediate messages, and come to the last message your Excellency sent to the House of Representatives: On which it is necessary to make some observations.

We find by it the House had informed you, that they had resolved to impeach Peter Oliver, Esq; Chief Justice of the Superior Court, before the Governor and Council, of high crimes and misdemeanors; that they had prepared articles of impeachment, and prayed your Excellency would be in the chair, that they might have an opportunity of laying them before the Governor and Council.

But your Excellency, after making divers observations concerning the manner of trial for crimes and misdemeanors, declined granting their request, by declaring, that "whilst such process as the House have attempted to commence shall appear to you to be unconstitutional, you cannot shew any countenance to it."

It is with great reluctance the Board have entered into the consideration of a subject, on which they are obliged to dissent from your Excellency. But a vindication of their right of jurisdiction as a Court makes it necessary.—

The complaint and process abovementioned are against an executive officer appointed by the Governor and Council. Complaints of this sort are no novelty. Many instances of them have taken place since your Excellency was first a member of the General-Court; and some of them, while you were Speaker of the House of Representatives, preferred by the House. The Governor and Council have always been esteemed the proper Judicature, before whom officers appointed by them have been triable for crimes or misdemeanors, so far as that, when found guilty, judgment has been given against them, with respect to their continuance in office; and thus far your Excellency has yourself supported the jurisdiction of that Court; which, when your Excellency presided, gave judgment in a recent case for the removal of an executive officer appointed by the Governor and Council. If such cases, in order to such a judgment, are not cognizable by that Court, there is no other Court in the province, by which they are cognizable for the purpose of removal from office. Divers such judgments have been obtained in consequence of the complaint of private persons. If private persons have a right to complain of mal-administration of officers, the representative body, who are the grand inquest for the province, must *a fortiori* have that right. But your Excellency intimates, that the process the House of Representatives have now attempted to commence is unconstitutional. The process they first attempted with regard to the Chief Justice was by remonstrance, addressed to the Governor and Council, which your Excellency, without communicating it to the Council, thought proper to suppress. The process next attempted was by impeachment, which you think unconstitutional. If it be unconstitutional, it cannot be cognizable by the Court: The jurisdiction of which being affected by the denial of the constitutionality of impeachments, it becomes needful to examine the reasons of that denial. They are given in your Excellency's message, in which you are pleased to say, "that there are no species of crimes committed within this province, which are not cognizable by some established Judicatory, and that the Governor and Council have no concurrent jurisdiction with any Judicatory in criminal cases, nor any authority to try and determine any species of high crimes and misdemeanors whatsoever," [except at least for the purpose of removal from office, as your Excellency might have added.] "That if you should assume a jurisdiction, and with the Council try offenders against the law without authority granted by the Charter, or by a law of the province in pursuance of the Charter, you should make yourself liable to answer for it; and his Majesty's subjects would have just cause to complain of being deprived of a trial by jury, the general

general claim of Englishmen, except in those cases, where the law may have made special provision to the contrary."

All this may be true, and yet we humbly apprehend it will not support the conclusion, that a process by impeachment is unconstitutional.

The records and papers, containing the transactions of the General Court, having divers times greatly suffered by fire, it is very difficult to apply to them for precedents; nor is it necessary; for if they abounded with them, the first precedent would be, or ought to be, grounded on the reason and nature of the case, which still remain for a guide. But if precedents should be necessary, the most respectable authority (the British parliament) as your Excellency well knows, furnishes a multitude of them. The Commons may exhibit an accusation to the Lords in parliament, by petition, complaint, or impeachment. The House of Representatives are in this province, what the House of Commons are in Britain. The constitutional rights of the latter (among which is indisputably the right of impeachment) belong to the former. Between the House of Lords, and the Council of this province, there is not so near a resemblance: But with respect to legislation, and so far as the Council with or without the Governor are a judiciary body, there is a resemblance. It is now settled by a late determination of his Majesty, that the Governor and Council are a judiciary body, with regard to the Probate of Wills, and granting administration, and for determining causes of marriage and divorce: And it is humbly apprehended they also are, with regard to the removal of all officers from office, to which appointments are made by the Governor and Council. The impeachment made by the House of Representatives, concludes with prayer, "that such proceedings, examinations, trials and judgments may be had and ordered on the premises, as may be agreeable to law and justice." This prayer is consistent with the jurisdiction of the Court; who have lawful power to remove from office, or confirm in it, as may be agreeable to law and justice; and therefore may go into such proceedings, examinations, and trials, and form such judgments in and upon the premises, as are incidental and necessarily preparatory to a final decision. We humbly apprehend therefore your Excellency's reasoning does not extend to the present case: For even though the impeachment had been for such high crimes and misdemeanors, as are made felony, it would not induce, or involve in it, an obligation on the court to give an extra judicial sentence. An executive officer appointed by the Governor and council may be guilty of crimes, for which by law he is punishable in a variety of ways by the common law courts: If he be impeached for those crimes before the Governor and Council, it is for the purpose of his removal from office, which the other courts have no power to decree. As those courts cannot invade the jurisdiction of the Go-

vernour and Council, so the Governor and Council, in any other than their legislative capacity, it is presumed will never attempt to interfere in the jurisdiction of the other courts. It might be supposed the Governor and Council could (and if they act at all they must) trust themselves in the exercise of their jurisdictional powers: Though your Excellency, in reference to that exercise, seems unwilling to trust yourself in the case of the present Impeachment, notwithstanding you consider yourself as having a right of negative on the judgment of the Council. With regard to the Governor's right of negative on the Council, it operates in all acts of government, pursuant to the Charter, "in exclusion of judicial acts," in which it can have no operation: "It being utterly unsuitable to the nature of a court of justice to consist of two branches, each possessing a negative on the other," whereby in many cases, if such was the constitution of the court, it could not give a judgment: Which is incompatible with every idea of a court of justice. On these reasons the late determination of his Majesty in council, with regard to the supreme court of probate, &c. was grounded; and they extend with equal force to the Governor and Council, considered as a court for hearing all complaints, remonstrances and impeachments, relative to the executive officers of the government, and giving judgment thereon, either for or against the defendant, by acquitting him, or removing him from his office.

"But it may be objected, that the same power, which appointed, should remove.

"On which it may be observed, that the appointment is to a trust for the public good, and vests a property (the lawful emoluments of the office) in the trustee. The mode of appointment is particularly directed by the Charter. It is by the Governor with the advice and consent of the Council; neither of whom act in this matter in a judicial character. But the mode of removal, the Charter being silent about it, must depend on the reason and nature of the thing. These require that the removing power should be considered, and in fact be, a court of justice. Property, both public and private, being depending and to be settled by that power, determine the nature of it to be specifically judicial, or that it must be a court of justice; which excludes the idea of one of its members, where there is a plurality, being an integral part. —There is therefore an essential difference between the appointing and removing power, though consisting of the same persons, when they act in those different characters. To apply this to the Governor and Council,—in the first character they have a reciprocal controul of each other, agreeable to the Charter. In the latter character, there is no such controul, but they together do constitute a court of justice, with powers to form and regulate themselves incidental to all courts, where law has not made provision for that purpose. There is nothing in the Charter inconsistent with this reasoning, but on the contrary, this reasoning is grounded on

the Charter. The clause of the Charter, that relates to the subject under consideration runs thus, "The Governor with the assistants or counsellors, or seven of them at least, shall and may from time to time hold and keep a council for the ordering and directing the affairs of our said province."—The Governor and Counsellors are here blended, and together constitute a council, which in all cases, proper for their cognizance, are jointly (and not as two branches having a negative on each other) authorized and appointed for the ordering and directing the affairs of the province, except in certain cases (particularly mentioned in other parts of the Charter) wherein seven or more counsellors are to be advising and assisting to the Governor. The end of this appointment, viz. the ordering and directing the affairs of the province, includes among other things, the removal of bad officers from office, and consequently includes a jurisdiction to hear, try and determine on all complaints, remonstrances and impeachments, for that purpose, which perfectly coincides with the idea of a court of judicature; and therefore, according to the spirit and intention of the Charter, the Governor and Council must have that jurisdiction, without which their power for the well ordering and directing the affairs of the province would be essentially deficient.

"Upon the whole, we are humbly of opinion, that although "there are no species of crimes committed within this province, which are not cognizable by some established judicatory"—although "the Governor and Council have no concurrent jurisdiction with any judicatory in criminal cases, nor any authority to try and determine any species of crimes" [except at least for the purpose of removal from office] it does not thence follow, that "the process by Impeachment," or the Governor and Council's proceeding and determining upon it, "is unconstitutional;" nor that their so doing "will be an assuming of a new or unwarrantable jurisdiction, and make your Excellency liable to answer for it;" nor that "his Majesty's subjects would have just cause to complain of being deprived of a trial by jury." And we are further of opinion, that a denial of the right of complaining, or remonstrating against, and impeaching for, mal-administration of office, and a refusal to hear and determine on such complaint, remonstrance or impeachment, are unconstitutional; will have an unhappy tendency to encourage the executive officers of the government to deviations from their duty; and are incompatible with the safety and happiness of the people. Wherefore this Board declare their readiness to hear, and determine on the impeachment abovementioned, or to hear and determine on the charge and complaint since exhibited by the House of Representatives on the same subject, and desire that your Excellency with the Council would appoint a time for that purpose."

On Tuesday last the House of Representatives sent the following Message to the Governor, viz.

"May it please your Excellency,

"THE House of Representatives have attentively considered your Message of the twenty-sixth of February, in which your Excellency is pleased to say, "That you know of no species of high crimes and misdemeanors, nor of any offences against the law, committed within this province, let the rank of the offenders be what it may, which is not cognizable by some established judicatory or judicatories, and you do not know that the Governor and Council have concurrent jurisdiction with any judicatories in criminal cases, or any authority to try and determine any species of high crimes and misdemeanors whatsoever." And you also add, that "if you should assume a jurisdiction, and with the Council try offenders against the law, without authority granted by the Charter or by a law of the province in pursuance of the Charter, you should make yourself liable to answer," &c.

"We assure your Excellency, that as we would not wilfully neglect any constitutional endeavours for a redress of grievances which this province labours under, so neither would we desire you to assume any jurisdiction not authorized by the constitution of the province. But your Excellency will allow us to say, that the sentiments advanced in your message, and on which you ground your refusal to comply with our requests, are new and very alarming to us. And as the point in question is of weighty importance to the province, we cannot refrain from freely expressing our minds upon it.

"By the charter of this province, the Governor with the advice and consent of the Council, has the sole power of appointing Judges and other civil officers; and though there is no power of removal expressed in the charter, yet such power is necessarily therein implied, and the greatest evils and inconsistencies would arise from a want of it. As no officer ought to hold his office, when his crimes and misdemeanors have rendered him unfit for it, the Governor and Council who have the power of removal, will naturally enquire into the truth of the charges against the officer, previous to the removal; the contrary of which procedure must suppose, either that an officer cannot be, or is not to be removed from his office, or else, that he may be removed upon the bare allegation of crimes and misdemeanors, without enquiry into the truth of them; neither of which your Excellency can be supposed to assert. As therefore officers must be removed for crimes and misdemeanors, and previous to such removal there must be an enquiry into the truth of such allegations, such enquiry must involve in it the power of notifying and hearing the officer accused; and it must issue in a judgment and determination, that the officer ought, or ought not, to be removed.

"This procedure, necessarily involved in the power of appointing officers, is in essence a judicatory; and to this purpose the Governor and Council must have cognizance and jurisdiction of crimes and misdemeanors charged upon offi-

cers, as it is on the truth of such a charge that the officer is to be removed. This jurisdiction of crimes and misdemeanors, being for a particular purpose, may not be said to be concurrent with the other judicatories; as the only punishment to be inflicted in consequence of conviction is removal, and other judicatories, as the case may be, may take cognizance of such crimes and misdemeanors, and punish them as breaches of law. But it is not consistent with the dignity and importance of the Governor and Council, vested with the power of removing officers, that they should wait the event of a trial by a jury (which may never take place) before they proceed to enquire into the reasons and necessity of such removal. And we would further observe, that there are high misdemeanors respecting the execution of an office, which may disqualify the officer and render him liable to removal by the power which appoints him, but yet may not be of such a nature as to subject the officer to punishment by the ordinary courts of justice. Should a judge dismiss a Grand Jury soon after their being impaneled, without permitting them to find any bills of presentment—Should he be charged with gross negligence and inattention to the duties of his office, or with great partiality or other corrupt practices, no one, we trust, will say, that such a judge should not be punished: But we do not know that the ordinary courts of judicatory would take cognizance of such offence, neither can we suppose, that the Governor and Council would remove such a judge, without due enquiry into the truth of the charge. From the very nature of our constitution, there must be some where a supreme court who have cognizance of the crimes and misdemeanors of high officers, so far at least, as is necessary for their removal: This supreme court, we take to be the Governor and Council; and to this court are to be presented, all complaints touching the misdemeanors of judges. When complaint is thus made of the crimes and misdemeanors of a judge to the Governor and Council, who have cognizance of his conduct and power of removal, we think the Governor and Council will and ought to enquire into the charge, previous to the removal; and that for this purpose, from the nature and necessity of the thing, the Governor with the Council do “make one Court or judiciary body.” And that, for the same reasons that the Governor and Council are a court for the probate of wills, and deciding controversies concerning marriage and divorce; because, though the removal, in it self considered, may be an act of government, yet, when the proof of misdemeanors is necessary, the enquiring into and determining on such misdemeanors, involves in it, a judicial act, which constitutes a court.

“If this be not the true description of our constitution, respecting the removal of officers, we are at a loss to know, of what use the Council are, or what their department is in Council; for, to suppose that the Council, are to be advising and consenting to the removal of

an officer, without enquiring into the truth of any charge against him, is inconsistent and incongruous. If it is intirely in the discretion of the Governor, whether the misdemeanors of an officer shall be enquired into or not, it is then in the power of the Governor to give a sanction to the most flagrant corruption of a Judge, and by screening a misbehaving officer from examination, to subvert the Justice of the province.

“We therefore apprehend, that when a charge is thus made against a Judge before the Governor and Council, it ought to be examined; and if it be not proved, or, if what is proved be not sufficient ground of removal, the determination will be accordingly.

“We are not disposed “to ground our construction of the charter on detached paragraphs;” but to consider all the parts, the intent and purview of the whole. And to us it therein appears, that we are expressly intitled to all the liberties enjoyed by the parent state, though “at the distance of three thousand miles from the said parent state”; and that the constitution of our government was designed as “an epitome of the English constitution”; and that such proceedings as we now pray for, have always been, had and used in this government, as the case required.

“Your Excellency in your message of the fifteenth of February is pleased, to say, “If you should comply with our request, or take any steps in order to the removal of the chief justice from his place merely for receiving a salary thus granted him by the King, you should make yourself chargeable with counteracting his Majesty, and endeavouring to defeat his Royal intention expressly signified to you, and you should fear some mark of his Royal displeasure”; and therefore you say “In duty to the King you are obliged to decline our request.” To this we beg leave to answer; that the articles of impeachment referred to, in your Excellency’s message of the twenty sixth of February, and which your Excellency therein signified your refusal to receive, contain *other* matters besides merely receiving the grants of the King; and such matters as the representative body of this province thought themselves in duty bound to complain of to your Excellency and the Council, in order that enquiry and determination might be had thereon. We apprehend that we can clearly prove, that the articles of our complaint, are of the same kind with great numbers made by the House of Commons in England, against high officers. As instances of this kind must be fresh in your Excellency’s memory, we think it needless at present to adduce them. And as it never was supposed in England, that the dignity of the King was affected by any charges against his officers, we cannot conceive why it should here; for though it is a maxim, that the King can do no wrong, yet, by the misrepresentations of his officers much wrong hath been and may again be brought to pass. If any person may by his conduct, break through the constitution of the province grounded on
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the charter and confirmed by constant usage, without being liable to be called to account by any judicatory here, merely because the Royal assent to such construction hath been procured, we do not know where such practices will stop; and we fear, that by degrees, without our even having an opportunity of being heard, one innovation after another may be forced upon us, till there will be not only "an abridgment of what are called English liberties," but a total subversion of the constitution.

"We assure ourselves, that were the nature of our grievances fully understood by our sovereign, we should soon have reason to rejoice in the redress of them. But, if we must still be exposed to the continual false representations of persons who get themselves advanced to places of honour and profit by means of such false representations, and when we complain we cannot even be heard, we have yet the pleasure of contemplating, that posterity for whom we are now struggling will do us justice, by abhorring the memory of those men "who owe their greatness to their country's ruin."

Yesterday his Excellency sent the following MESSAGE to both Houses, viz.

Gentlemen of the Council, and Gentlemen of the House of Representatives,

I HAVE omitted nothing in my power, consistent with my duty to the King, which had a tendency to promote harmony and good agreement in the legislature, the present session. I have passed over without notice, the groundless, unkind and illiberal charges and insinuations made by each of the other branches against the Governor rather than any part of the publick business of the province should be left unfinished; but as some of your votes, resolves, and other proceedings, which you have suffered to be made publick, strike directly at the honour and authority of the King and of the Parliament, I may not neglect bearing publick testimony against them, and making use of the powers vested in me by the constitution to prevent you from proceeding any further in the same way.

T. HUTCHINSON.

Province House, March 8, 1774.

THURSDAY, 17.

Extract of a letter from Nantucket, March 9.

"I have only just time to acquaint thee that at about eight o'clock this morning, we had the most violent gust of wind, that perhaps was ever known here, it lasted but about a minute, it seemed to come in a narrow vein, and in its progress blew down our Light-House, and totally destroyed it, besides several barns, shops, &c.

MONDAY, 21.

AT a meeting of the freeholders and other inhabitants of this town at Faneuil-hall, on Monday last, the Honourable JOHN HANCOCK, Esq; was chosen Moderator, but by indisposition prevented attending: The Honourable THOMAS CUSHING, Esq; was then chosen Moderator; and the following Town-officers for the year ensuing, viz.

Town-Clerk. Mr. William Cooper.

Select-Men. John Scollay, Esq; Honourable John Hancock, Esq; Deacon Timothy Newell, Thomas Marshall, Esq; Mr. Samuel Austin, Mr. Oliver Wendell, and Mr. John Pitts.

Town-Treasurer. Mr. David Jeffries.

Overseers of the Poor. John Barrett, Esq; William Phillips, Esq; Mr. Benjamin Dolbear, Mr. William Whitwell, Mr. William Greenleaf, William White, Esq; John Leverett, Esq; John Gore, Esq; Capt. Samuel Patridge, Mr. Samuel Whitwell, Mr. Samuel Abbot, and Mr. Daniel Waldo.

Firewards. John Scollay, Esq; Newman Greenough, Esq; Mr. William Cooper, Thomas Marshall, Esq; Mr. Joseph Tyler, Major Adino Paddock, Mr. James Richardson, Captain Benjamin Waldo, Honourable John Hancock, Esq; Mr. Samuel Adams, Captain Martin Gay, Francis Shaw, Esq; Captain Job Prince, Capt. Edward Proctor, Deacon Caleb Davis, and Captain John Pulling.

Wardens. Francis Green, Esq; Mr. Ebenezer Seaver, Captain Samuel Daggett, Mr. Ebenezer Hancock, Mr. Thomas Kimble, Mr. George Bright, Mr. William M'Neil, Mr. Samuel Sellon, Mr. John Cotton, Mr. Samuel Bass, Captain Nehemiah Somes, and Alexander Edwards, Esq;

Committee for purchasing Grain. Joseph Jackson, Esq; John Leverett, Esq; and Mr. John Sweetser, jun.

Surveyors of Wheat. Mr. John Lucas, and Mr. John White.

Surveyor of Hemp. Mr. John Gray.

Assessors. Mr. Benjamin Church, Mr. Jonathan Brown, Mr. Daniel Pecker, Giles Harris, Esq; Captain Samuel Downe, Mr. William Lowder, and Mr. Samuel Johnson.

Collectors of Taxes. Mr. Edward Holliday, Mr. Abraham Savage, Mr. Benjamin Henderford and Mr. Benjamin Gray.

Clerks of the Market. Messrs. David Sears, Duncan Ingraham, jun. Daniel Bell, John Coffin-Jones, Joshua Blanchard, jun. John Barrett, jun. Thomas Melvil, Andrew Brimmer, Joseph Billings, Samuel Parkman, Benjamin Hammett, jun. and Henry Prentice.

Informers of Deer. Messrs. Thomas Edes, and Adam Colson.

Assay Masters. Captain Martin Gay, and Mr. John Skinner.

Fence Viewers. Mr. John Dyer, Mr. Samuel Dyer, Mr. Obadiah Low, Captain John Joy, Mr. William Crafts.

Surveyors of Boards. Messrs. William Nichols, Clement Collins, Jacob Thayer, Joseph Edmunds, John Greenough, Isaac Vergoose, John Champney, Andrew Symmes, Henry Allen, Edmund Ranger, Richard Walker, Thomas Uran, John Bulfinch, Abraham Howard, Joseph Butler, Joseph Ayers, Andrew Townshend, Joseph Ballard, Elisha Homes, Thomas Bayley, John Holland, John Rogers, Obadiah Low, Benjamin Page, Dinely Wing, Henry Blaisdel, Abraham Rogers, Benjamin White and James Blake.

Collectors

Collectors of Stoves. Messrs. Peter Cotta, Joseph Dyer, Manassah Masters, John Haskins, David Spear, Jonathan Jenkins, Caleb Heyden, Job Wheelwright, Joshua Pico, Benjamin Sault, Paul Baxter, John Owen, Thomas Knox, Samuel White, Edward Cowell, Peter Ellis, Nathan Spear, Timothy Pease, Jacob Williams, Nathaniel Waterman, Samuel Barnard, John Newell, Henry Lucas, Richard Flood, William Rogers and Samuel Peck.

Scavengers : Wards No. 1. Josiah Vose. Joseph Snelling 2. Caleb Champney, 3. Francis Pulcifer, 4. John Lowell, 5. Joseph Loring, 6. Charles Perrin, 7. John Langdon, 8. Samuel Warden, 9. John Fullerton, 10. Thomas Chase, 11. Benjamin Wheeler, 12.

Sealers of Leather. Samuel Bangs Joseph Clark, Thomas Nolen, Benjamin Bass, and Daniel Parks.

Hayward. Mr. William M'Fadden.

Hogreeves. Messrs. Benjamin Blake and Elijah Searl.

Constables. Messrs. Augustus Hale, John Coverly, John Wells, Joseph Foye, Stephen Symmes, George Thomas, Samuel Greenleaf, John Hammett, John Bennet, Thomas Bell and Matthew Nazro.

MARRIAGES and DEATHS.

MARRIED.] Mr. Samuel Gore, painter, to Miss Polly Pierce.—Mr. John-Coffin Jones, merchant, to Miss Lee.—At Hampton, Mr. William Dudley, of Roxbury, to Miss Patty Williams, daughter of Joseph Williams, Esq; of the same place.—At Portsmouth, the Rev. Joseph Willard, to Miss Polly Sheaffe, fourth daughter of Jacob Sheaffe, Esq; of that place.—At Salem, Capt. George Cabot, of Beverly, to Miss Betsey Higginson, daughter of the late Stephen Higginson, Esq;—At Halifax, Mr. John Best, merchant, to Miss Dorcas Cleveland, daughter-in-law to John Fillis, Esq;—At Portsmouth, Mr. Joshua Wentworth, to Miss Sally Pierce, both of that place.—At Hollis, in New-Hampshire, Mr. John Kneeland, of this town, merchant, to Miss Nancy Hobart, eldest daughter of Samuel Hobart, Esq; of that place.

At New-York, William Burton, Esq; nephew of Bartholomew Burton, Esq; late Governor of the Bank of England, to Miss Isabella Auchmuty, second daughter of the Rev. Dr. Auchmuty, Rector of that city.—Mr. Paschal Nelson Smith, to Miss Hester Sears, daughter of Mr. Isaac Sears, of that city.

DIED.] The Honourable Andrew Oliver, Esq; Lieutenant-Governor of this province.—Mrs. Susannah Wheatley, wife of Mr. John Wheatley, merchant.—Mrs. Sarah Hopkins, the amiable consort of the Rev. Mr. Samuel Hopkins, pastor of the church in Hadley.—Mrs. Elizabeth Vergoose, wife of Mr. Isaac Vergoose.—Mrs. Hannah Kent.—Mr. Joseph Roberts.—Mr. Bennett, Hatter.—Mrs. Anne Pierpont, wife of Mr. Robert Pierpont.—Mr. Joseph Gale.—Miss Attalanta Prichard, relict of the

late Capt. William Prichard, deceased.—Mrs. Mary Biggs.—Miss Sally Stone.—Mr. William Bulfinch.—Captain John Lloyd, of this town, at Anguilla.—Mrs. Abigail Breeding, widow to the late Capt. Phillip Breeding.—Mrs. Phillips, wife of Mr. Phillips, tigger.—Mr. Dawson, shoemaker.—Mrs. Norton, widow, and Mr. John Dymond, both in the alms-house.—At Cape-Nichols, Captain Earl.—At Roxbury, Mr. Jeremiah Richards, jun.—At Newtown, Mrs. Middwell Woodward, relict of Mr. Ebenezer Woodward, and daughter of the Hon. Ebenezer Stone, Esq; deceased.—At Northborough, Mr. Thomas Taylor, formerly representative for the town of Sudbury in the general court.—At Medfield, Mrs. Adams, wife of Mr. Nathaniel Adams, and daughter of Deacon Coolidge.—At Framingham, Mrs. Margaret Trowbridge, wife of Mr. John Trowbridge, of that place.—At Salem, Mr. Joshua Richardson.—Mr. George Felt, son of Mr. John Felt.—At Danvers, Captain Thomas Porter.—At Newbury-Port, Mr. Samuel Cresey, shipwright.—Mrs. Hannah Titcomb, wife of Mr. Enoch Titcomb.—At Wells, in the county of York, John Sayer, Esq; one of the Justices of the Inferior Court of Common Pleas for that county.—At New-Haven, Capt. Christopher Kilby, Deputy-Post-Master.—At Norwalk, Mr. John Belding, Deputy-Post-Master.—In the West-Indies, Captain Haynes, and Mr. Jotham Odium, both of Portsmouth, New-Hampshire.—In England, the Right Rev. Dr. Willes, Lord Bishop of Bath and Wells.—Lieut. General Webb, Colonel of the 14th regiment of Dragoons.—Dr. Hawkefworth, Author of the *Advertiser*, and Compiler of the last voyage round the World.—At Salem, the Hon. Nathaniel Ropes, one of the Justices of the Superior Court.—At Brookfield, Mrs. Katherine Upham.—At Marlborough, Mrs. Elizabeth Harrington.—At New-York, Capt. Thomas Sowers.—At Dublin, the Right Hon. James Fitzgerald, Duke of Leinster.—At Berwick, New-Hampshire, Mrs. Sarah Libbey, aged 88. She has lived with her husband 61 years, and from her has proceeded 10 children, 92 grand children, and 152 great-grand children, in all 254.—At Northampton, Capt. William Lyman.—At Roxbury, Capt. Nathaniel Williams, who raised a company and served with honour at the siege of Louisbourg in 1745.—At New-York, the Rev. Williams Mills, minister of the presbyterian church at Jamaica on Long-Island.—At Philadelphia, Capt. Gideon Villeneuve, lately from London.—John Lort.—At Woburn, the Rev. Mr. Thomas Jones, pastor of the second church in that place.—Mr. Joshua Richardson.—At Salem, Samuel Blyth.—At Roxbury, Mrs. Elizabeth Pearson.—At Hardwick, Mrs. Wheeler, wife of Capt. Wheeler, at that town.—Deacon Christopher Page.—At Grafton, Mrs. Darling, wife of Dr. Timothy Darlings.—At Middletown, Mrs. Chauncy, wife of Nathaniel Chauncy, Esq; of that place.

the fatigues of a long voyage, and spends but a few months in a wilderness, among Savages, and in a climate more severe than he had ever experienced. What must we think, then, of persons of rank and good circumstances in life bidding a final adieu to all the conveniencies and delights of England, their native country, and exposing themselves, their wives and children, to inevitable hardships and sufferings, in a long voyage across the Atlantick, to land upon a most inhospitable shore, destitute of any kind of building to secure them from the inclemency of the weather, and of most sorts of food to which they had been always used at their former home? The sickness and mortality which prevailed the first winter, they did not foresee. It is an observation, since made; that most parts of America have proved unhealthy (except where the country is cleared) until persons have had a seasoning in it.

ELEVEN ships, which sailed from different ports in England, arrived at New-England before the end of July. Six more arrived before the end of the year. They brought above 1500 passengers. The Arabella, on board which was the governor, and several of the assistants, left Yarmouth between the 7th and 10th of April. On the 7th the governor, and divers others on board, signed a paper directed to their

D

brethren

thence than from any part of England, unless the city of London be an exception. The Countess of Warwick was a benefactor. In 1634, the general court voted, "that there should be letters of thankfulness signed by the court and sent to the Countess of Warwick, Mr. Paynter, Mr. Wood, and others that have been benefactors to this plantation." The Earl of Warwick, her son, was a patron of the colony, and was very able as well as willing to do kind offices to it as long as he lived. Some of the ministers were of families of distinction. Mr. Bulkley from Bedfordshire, of an honourable family there. Samuel Whiting, who was minister of Lynn, married a daughter of Oliver St. John. She came with him to New-England. John Shearman, minister of Watertown, married a grand-daughter of Earl Rivers. Her father, Mr. Laune, was a gentleman of 1400 l. a year. She was alive in 1697, the mother of 20 children.

brethren of the church of England, to remove suspicions or misconstructions, and to ask their prayers. This paper has occasioned a dispute, whether the first settlers of the Massachusetts were of the church of England or not. However problematical it may be, what they were while they remained in England, they left no room for doubt after they arrived in America. The *Arabella* arrived at Salem the 12th of June, || The common people immediately went ashore and regaled themselves with strawberries, which are very fine in America, and were then in perfection. This might give them a favorable idea of the produce of the country, but the gentlemen met with a enough to fill them with concern. The first news they had, was of a general conspiracy, a few months before, of all the Indians as far as Naraganset, to extirpate the English. Eighty persons out of about three hundred, had died in the colony the winter before, and many of those that remained were in a weak sickly condition.* There was not corn enough to have lasted above a fortnight, and all other provisions very scant. They were obliged to give all the servants, † they had sent over, their liberty, that they might shift for themselves, although they had cost from sixteen to twenty pounds a head. They had not above three or four months to look out proper places for settlements, and to provide shelter against the severity of the winter. With this prospect of difficulties, great enough for them to encounter, sickness began among them. Being destitute of necessary accommodations, they dropped away one after another. Among others, the lady *Arabella*, who, to use Mr. Hubbard's words, "came from a paradise of plenty and pleasure, in the family of a noble Earl, into a wilderness of wants, and although celebrated for her many virtues, yet was not able to encounter the adversity she was

|| Masconomco, the Sagamore of Cape-Ann, came on board the next morning after the governor's arrival to bid him welcome. Hub.

† The whole number sent over was 180. This was a heavy loss.

was furrounded with, and in about a month after her arrival she ended her days at Salem where she first landed." Mr. Johnson, her husband, highly esteemed for his piety and wisdom, overcome with grief, survived her a short time only, and died at Boston the 30th of September, to the great loss of the colony. Mr. Rossiter another of the assistants, died soon after. Before December they had lost two hundred of their number, including a few who died upon their passage.

THE governor and some of the principal persons left Salem the 17th of June, and travelled through the woods to Charlestown, about 20 miles, to look out for a convenient place for their chief town, which they had determined should be in some part of the bay or harbour between Nantasket and Cambridge. At first they pitched upon the north side of Charles river, or rather north-west, by the major voice; but a number of the principal gentlemen having fixed their cottages (shelters intended for one winter only) upon the opposite side of the river, the governor and most of the assistants removed to them in November. They were however undetermined where to build in the spring. A fortified town, at least palisadoed, was thought necessary to defend them against the natives, and they could not agree upon the most convenient place for that purpose.

THEY found when they arrived, a few families scattered about in several parts of the bay. Mr. Maverick, who will often appear in the course of this history, lived upon Noddle's island, a grant or confirmation of which he afterwards obtained from the court. He had built a small fort, and had four cannon mounted there. At a point upon Shawmut or Trimontaine, since Boston, * lived Mr. Blaxton, who had left England

* Said to be called so from respect to Mr. Cotton, minister of Boston in England, who they expected to follow them.

England, being dissatisfied there, and not a thorough conformist; but he was more dissatisfied with the non-conformity of the new-comers. He told them he came from England because he did not like the Lords Bishops, but he could not join with them because he did not like the Lords-Brethren. He claimed the whole peninsula upon which Boston is built, because he was the first that slept upon it. He had a grant of a very handsome lot there at the west part of the town, but he chose to quit all and removed to the southward, at or near what is since called Providence, † where he liv'd to old age. There were also several families at Mattapan, since called Dorchester, or rather Dorchester-neck; here ‡ Mr. Ludlow and Mr. Rosfiter pitched, with two ministers, Mr. Warham and Mr. Maverick. On the north of Charles river (Charlestown) were the remains of those who had moved the last year from Salem; here Mr. Nowell and some of his friends made their pitch, but considered themselves and Boston, at first, as but one settlement and one church, with Mr. Wilson for their minister. When he went to England in the spring, Charlestown became a distinct church and town, and took Mr. James for their minister. Sir Richard Saltonstall chose a place some miles up Charles river, which has taken the name of Watertown. His company took Mr. Phillips for their minister. Mr. Phynchon was at the head of another company who settled between Dorchester and Boston. Their town took the name of Roxbury. They had Mr. Elliot § for their minister. Medford and Misticke were then distinct places, though not so at present. At Medford, || which I take

† One Mr. Blakestone a minister, went from Boston, having lived there 9 or 10 years, because he would not join with the church. He lives near Mr. Williams, but is far from his opinion. Leachford.

‡ They arrived at Nantasket, the 30th of May, from Plymouth in England.

§ He did not come over until 1631. Mr. Weld was his colleague.

|| Wood.

take to have been a small village at the lower part of Mistic river, now called Neck of Land, where a creek also ran into Charles river, it was intended a settlement should be made for Mr. Cradock and the people he was sending and had sent over. Here, by his agents, he built vessels of burden. At these several places, together with Salem, the whole company were settled for the first winter. They had little time enough to provide their huts. As soon as December came, their outdoor work was over. On the 6th of December the governor and assistants met and agreed to fortify the neck between Boston and Roxbury, and orders were given for preparing the materials; but at another meeting, on the 21st, they laid that design aside, and agreed on a place * about three miles above Charlestown, and most of them engaged to build houses there the next year. The weather held tolerable until the 24th of December, but the cold then came on with violence. Such a Christmas eve they had never seen before. From that time, to the 10th of February, their chief care was to keep themselves warm, and as comfortable in other respects as their scant provisions would permit. The poorer sort were much exposed, lying in tents and miserable hovels, and many died of the scurvy and other distempers. They were so short of provisions, that many were obliged to live upon clams, mussels and other shell-fish, with ground-nuts and acorns instead of bread. One, that came to the governor's house to complain of his sufferings, was prevented, being informed that, even there, the last batch was in the oven. Some instances are mentioned of great calmness and resignation in this distress. A good man, who had asked his neighbour to a dish of clams, after dinner returned thanks to God who had given them to suck of the abundance of the seas and of treasure hid in the sands. They had appointed the 22d of February for a fast, but on the 5th, to their great joy, the ship Lyon, Capt. Pierce, one of the last year's

* First called Newtown, since Cambridge.

year's fleet, returned laden with provisions from England, which were distributed according to the necessities of the people. They turned their fast into a thanksgiving.

IN the spring of 1631, they pursued their design of a fortified town at Newtown. The governor set up the frame of a house; the deputy governor finished his house and removed his family. About this time, Chicketaubut, the chief of the Indians near Boston, came to visit the governor and made high professions of friendship. The apprehensions of danger lessened by degrees, the design of a fortified town went off in the same proportion, until it was wholly laid aside. The governor took down his frame and carried it to Boston. Mr. Dudley, the deputy, was offended, and persisted for some time in his first determination of residing at Newtown, but at length removed to Roxbury.

THIS scheme, of a fortified town, was well enough while they were uncertain what the temper of the natives would be. Their design was to make improvements, and to extend their settlements in the several parts of the country. Unless they were upon such terms with the Indians, that they could do this with safety, the colony could not long subsist. If they were upon such terms, fortified towns were unnecessary. *

THE high price of provisions, this year in England, impoverished the colony. Every bushel of wheat meal cost, including the freight, 14s. sterling; every bushel of pease 10s. and Indian corn, imported from Virginia, sold at 10s. † Some
were

* Mr. Dudley says, they laid aside all thought of a fort, because upon any invasion when they should retire to it, they must necessarily lose their houses. Letter to Countess of Lincoln. There was the same objection to a fortified town, if the inhabitants of other towns and villages should retire to it.

† It was the year 1633, before they knew they should be able to raise English grain, if we may credit Johnson. "This year, a small glean of rye was brought to the court, as the first fruits of English grain, at which, this poor people greatly rejoiced to see the land would bear it." Johnson 1633.

were discouraged and returned to England, viz. Sir Richard Saltonstall, Thomas Sharpe, &c. and never came back ; but others, in hopes of better times, went over to fetch their families and returned with them, viz. Mr. Wilson, Coddington, † &c. They went in the Lyon, which brought their supply. In the same ship, Sir Christopher Gardner was sent home under confinement. He was a knight of the sepulchre, but concealed his true character, and came over last year under pretence of separating himself from the world, and living a life of retirement and devotion. He offered to join several of the churches, but he was suspected to be an immoral man, and not received. He had a comely young woman, who travelled with him. He called her his cousin. For some miscarriages in the Massachusetts, he fled to the Indians. They carried him to Plymouth, having first used him pritty roughly. From thence he was sent to Boston. He joined afterwards, with Gorges, Mason and others, in complaints against the colony.

MR. Wilson left the church on the south side of the river without a minister. At his parting he recommended them to the care of the governor, deputy-governor and other godly and able christians, to carry on the worship of God, on the Lord's-day, by prophesying until his return.

So much of their attention was necessary in order to provide for their support, that little business was done by the assistants or by the general court. The removal of the charter made many new regulations necessary, which were settled by degrees. The first court of assistants was at Charlestown, August

† The following paragraph, in a letter to Mr. Cotton from Mr. Coddington, London June 4th, 1632, shews with what zeal he had embarked in this undertaking. " I am, I thank God, in bodily health, yet not enjoying that freedom of spirit, being withheld from that place which my soul desireth and my heart earnestly worketh after ; neither, I think, shall I see it till towards the next spring, my wife being with child, and all her friends unwilling she should go in that condition."

gust 23d, about two months after their arrival. A beadle, a corporation officer, was appointed. It was then ordered, that the governor and deputy for the time being, should be justices of the peace, four of the then assistants were also appointed justices. All justices whatsoever were to have the same power, for reformation of abuses and punishing offenders, which justices have in England, but no corporal punishment to be inflicted except by an assistant. In high offences, the governor and assistants sat as a court, as well as in civil matters. There was a trial by a jury this year for murder, and the person charged was acquitted. The first general court was held the 19th of October, not by a representative, but by every one, that was free of the corporation in person. None had been admitted freemen since they left England. The governor and assistants had a great influence over the court. It was ordered, that, for the future, the freemen should chuse the assistants, and the assistants, from among themselves, chuse the governor and deputy-governor. The court of assistants were to have the power of making laws and appointing officers. This was a departure from their charter. One hundred and nine freemen were admitted at this court. Maverick, Blackstone, and many more who were not of any of the churches, were of this number. This was all that was transacted, that was any thing material, the first year. The next general court was the court of election for 1631. The scale was now turned, and the freemen resolved to chuse both governor, deputy and assistants, notwithstanding the former vote, and made an order, that, for the time to come, none should be admitted to the freedom of the body politick but such as were church members. †

THIS

† None may now be a freeman of that company, unless he be a church member among them. None have voice in elections of governor, deputy and assistants, none are to be magistrates, officers or jurymen, grand or petit, but freemen. The ministers give their votes in all elections of magistrates. Now the most

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